

27 Jul

Record of Proceedings
of the
**INTERNATIONAL MILITARY TRIBUNAL
FOR THE FAR EAST**

Court House of the Tribunal
War Ministry Building
Tokyo, Japan-

The United States of America, the Republic of China,
the United Kingdom of Great Britain and Northern Ireland,
the Union of Soviet Socialist Republics, the Commonwealth of
Australia, Canada, the Republic of France, the Kingdom of
the Netherlands, New Zealand, India, and the Commonwealth
of the Philippines

-Against-

ARAKI, Sadao; DOHIHARA, Kenji; HASHIMOTO,
Kingoro; HATA, Shunroku; HIRANUMA, Kiichiro; HIRO-
TA, Koki; HOSHINO, Naoki; ITAGAKI, Seishiro; KAYA,
Okinori; KIDO, Koichi; KIMURA, Heitaro; KOISO, Kuni-
aki; MATSUI, Iwane; MATSUOKA, Yosuke; MINAMI,
Jiro; MUTO, Akira; NAGANO, Osami; OKA, Takasumi;
OKAWA, Shumei; OSHIMA, Hiroshi; SATO, Kenryo; SHI-
GEMITSU, Mamoru; SHIMADA, Shigetaro; SHIRATO-
RI, Toshio; SUZUKI, Teiichi; TOGO, Shigenori; TOJO,
Hideki; UMEZU, Youshijiro;

-Accused-

Official Court Reporters

Jack Greenberg, Chief
Fred T. Abram
James F. Barton
Antoinette Duda
Samuel Goldberg
Robert B. Morse
John J. Smith
Daphne Spratt
Elvira Whalen
Julian Wolf
Lorraine Yeldes

1 Tuesday, 2 July, 1946
2 - - -
3 INTERNATIONAL MILITARY TRIBUNAL
4 FOR THE FAR EAST
5 Court House of the Tribunal
6 War Ministry Building
7 Tokyo, Japan
8

9 The Tribunal met, pursuant to adjournment,
10 at 0935.
11 - - -
12 Appearances:

13 For the Tribunal, same as before with the
14 exception of HON. DELFIN JARANILLA, Justice, Member
15 from the Commonwealth of the Philippines, who is
16 not sitting.

17 For the Prosecution Section, same as before.

18 For the Defense Section, same as before with
19 the addition of MR. FRANKLIN E. N. WARREN, Counsel for
20 Accused DOHIHARA, Kenji, who also appears now for the
21 Accused OKI, Takasumi.

22 - - -
23 (English to Japanese and Japanese
24 to English interpretation was made by
25 MASUTANI, Hideo and NOGAMI, Kiyoritsu,
 Lanny Miyamoto acting as Monitor.)

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1 MARSHAL OF THE COURT: The International Military
2 Tribunal for the Far East is now resumed.

1 THE PRESIDENT: All the accused are present
2 except OKAWA who is represented by counsel. The
3 requests for alterations of the transcript will be
4 considered after I have received a report from my
5 legal secretary.

1 Does any counsel desire to mention any matter?

1 MR. JUSTICE LANSFIELD: If the Tribunal please,
2 with regard to the delivery of copies of the diary
3 of the defendant KIDO, there are two orders which have
4 been made by the Tribunal: one to deliver a copy to
5 the Secretariat and one to deliver a copy to the
6 counsel for the defendant KIDO. The only photo-
7 static copy in existence so far has already been
8 delivered to the counsel for the defendant KIDO
9 **together** with a translation of all parts of the diary
10 which the prosecution has had translated.

11 The prosecution asks that the delivery to the
12 counsel for the accused KIDO of the photostatic copy
13 of the original and of the translation be taken as
14 compliance with both orders of the Court. There was
15 only photostatic material in Japan sufficient to make
16 one photostatic copy. Others are at present being
17 procured from the United States and they will be

1 delivered when they are received.

2 I am mentioning this matter so that when
3 the diary is offered in evidence, the Court, the
4 Tribunal will know the position with regard to the
5 compliance with the two orders of the Court. I,
6 therefore, ask that the Tribunal take the delivery
7 to the counsel for defendant KIDO as a compliance with
8 both orders of the Court.

9 MR. LOGAN: If the Tribunal please, of
10 course these defendants object very strenuously to
11 the fact that there is only one Japanese copy of this
12 diary that has been delivered. Now, for example, I
13 received a complete copy of the prosecution's excerpts
14 about three weeks ago in English, -- one copy.

15 Yesterday we were served with a number of
16 excerpts which the prosecution intends to use on
17 this phase of the case. Those excerpts, which we
18 received on eighteen separate sheets, are entirely
19 different -- so different that the meaning is entirely
20 changed in the majority of cases from the English
21 translation which I have on the one copy of the com-
22 plete excerpts received. In other words, it will be
23 impossible for all the defendants to check the
24 excerpts which have been delivered by the prosecution
25 with the Japanese original or the one copy that we

1 have.

2 I have two translators working on the copies
3 of these excerpts which were delivered to us yester-
4 day and they are entirely different than the original
5 excerpts which were delivered to me in a complete
6 volume of the whole fifteen years.

7 THE PRESIDENT: Well, it is utterly impos-
8 sible for this Court to itself adjust differences
9 between translations. All it can do, it has done;
10 that is, set up a Language Section to discharge that
11 function. We regret to hear these things but we can
12 do no more than we have done.

13 MR. JUSTICE MANSFIELD: The translations,
14 if the Tribunal please, can always be corrected;
15 and I would also point out that this being a document,
16 if the accused or the defendants desire to use any
17 other portion of it, they will be able to put it in
18 as part of their case and they will have until the
19 conclusion of the hearing of the evidence before this
20 Tribunal to study the diary. It is no prejudice to
21 them.

22 THE PRESIDENT: The representations can be
23 renewed when KIDO's diary comes to be used. If the
24 necessary adjustment has not been made in the mean-
25 time, we urge that it be made.

1 MR. JUSTICE MANSFIELD: KIDO's diary will
2 probably be used tomorrow, if the Tribunal please.
3 It may possibly be used today; and that is why this
4 matter is being mentioned at this stage so that there
5 will be no interruption of the proceedings later on.

6 THE PRESIDENT: Well, we cannot give our
7 imprimatur to what you have done in view of the
8 protests which seem to be very substantial. However,
9 you had better proceed on the assumption that you
10 will get our approval later if the defense objections
11 have been met. You do not need to say any more, do
12 you, Mr. Logan?

13 MR. LOGAN: If the Tribunal please, I think
14 Mr. Justice Mansfield has misunderstood slightly what
15 I was saying; that is, that we have two English
16 translations supplied by the prosecution which differ
17 one from another and they are very material in the
18 differences contained in them.

19 THE PRESIDENT: How did they come to give you
20 two? Well, just at present we can do nothing about
21 this matter except talk about it. All we can hope
22 is that you will meet and endeavor to straighten it
23 out.

24 This morning I referred an application to
25 take the evidence of certain Chinese witnesses on

1 commission. I adjourned it to court.

2 MR. COMYNS CARR: The application, if it
3 please the Tribunal, was to take the evidence of
4 three witnesses from China, one of whom is Chinese
5 and the other two are American, on commission, the
6 circumstances being that they were brought over here --
7 or arrangements were already in progress to bring
8 them over here before it was known that the Tribunal
9 would grant the adjournment for the convenience of
10 the defense which was granted some time ago.

11 These three witnesses, one of them is the
12 Vice-Minister of Defense of the Republic of China
13 and the other two are supervisors in the organization
14 of the United Nations Relief and Rehabilitation As-
15 sociation working in China. These witnesses have
16 already been here longer than they expected owing
17 to that adjournment and it is now, from the point of
18 view of their various public duties, urgently neces-
19 sary that they should return within a few days. Our
20 application, therefore, with regard to these three
21 witnesses was that their evidence should be taken
22 before a Commissioner for which there is provision
23 in the Charter.

24 THE PRESIDENT: What does the Charter say,
25 Mr. Carr?

1 MR. CONYNS CARR: Paragraph 11 (e), amongst
2 the powers of the Tribunal is: "To appoint officers
3 for the carrying out of any task designated by the
4 Tribunal, including the power to have evidence taken
5 on commission." However, Mr. President, you intimated
6 that in your view it would be better that they should
7 be taken in open Court although out of their turn in the
8 order in which the prosecution is presenting the case;
9 and that is equally agreeable to us if the Tribunal
10 prefers it.

11 THE PRESIDENT: Provided it is taken on a
12 special day, is that what you -- it may be taken on
13 Friday and Saturday. Will that give the defense ample
14 notice?

15 MR. CONYNS CARR: With regard to the ~~day~~,
16 Mr. President, since those days were suggested, we
17 find that it is probable that if this present phase
18 is allowed to continue uninterrupted, it would finish
19 on Saturday and under those circumstances we would
20 suggest for your consideration that it might be better
21 to take these witnesses on Monday. But, if the
22 Tribunal prefers to take them on Friday and Saturday,
23 we would be ready.

24 THE PRESIDENT: I would like -- or the Court
25 would like to fix a date suitable to the defense.

MR. MATTICE: If the President please,
Monday would be satisfactory to the defense.

THE PRESIDENT: Well, I will have to ascertain the attitude of my colleagues on the whole matter, whether they desire to have a commissioner take it or themselves to take it; or, if they take it themselves, when.

The Tribunal will take the evidence themselves on Monday.

10 MR. CONYNS CARR: I would only add that
11 there are a number of other witnesses from China
12 who are content to wait and be taken in their proper
13 turn. It is only these three about whom there is
14 urgency.

15 THE PRESIDENT: Dealing with KIDO's diary,
16 I have here a very pertinent suggestion, if I may
17 say so, from a member of the Court, namely, that the
18 prosecution should be called on to declare on which
19 of the two translations they rely.

20 MR. JUSTICE MANSFIELD: The first trans-
21 lation was a screener's translation and was not an
22 exact translation.

25 THE PRESIDENT: Was that pointed out to the
24 defense at the time or since?

MR. JUSTICE MANSFIELD: The copies of the

1 actual translation are contained in the excerpts
2 which have been served upon them of the parts which
3 we desire to use. We have had no other translations
4 than those which have been delivered to the defense.
5 I am not aware, I do not think that it was actually
6 directly pointed out to the defense when the first
7 copies were delivered that they were not exact trans-
8 lations but they were all that we had at that time.

9 Of course, it is unnecessary to state we are
10 bound to have conflicting translations reconciled;
11 and the prosecution is, of course, perfectly willing
12 to do so. But the excerpts which have been delivered
13 and the translations thereof are the translations
14 upon which we rely.

15 I would point out that the defense has the
16 photostatic copy of the original document, that each
17 of the accused has a Japanese counsel and many of whom
18 can speak English. If there should be any dispute or
19 uncertainty as to what is the correct translation, it
20 would seem that reference could be made by the par-
21 ticular counsel concerned to Dr. KIYOSÉ or one of the
22 other Japanese counsel who is bi-lingual.

23 THE PRESIDENT: Well, the Tribunal takes it
24 that the prosecution elects to rely upon the latest
25 translations and not upon the original or screen

1 translation.

2 MR. JUSTICE HANSFIELD: That is correct.

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1 MR. LOGAN: May I point out to the Tribunal
2 the fact that on June 5th I made a motion to obtain
3 KIDO's original diary. It was heard before you, Mr.
4 President, and at that time the prosecution sub-
5 mitted to me excerpts from the diary in English for
6 the entire fifteen years. No statement was made to
7 me at that time that that was a screened translation.
8 On the basis of that I have gone over the case of
9 Marquis KIDO on the basis of that diary, and now if
10 they are coming in with different translations at this
11 time it means that I will have to go all over that
12 again, and it means we will have to do that work all
13 over again on new translations, and the excerpts and
14 new translations are so different from the transla-
15 tion we have now that it means they will have to do
16 that work all over again. For example, one of the
17 earlier ones they have here they talk about an in-
18 cident to happen next March 15th. The original ex-
19 cerpts they gave me referred to an incident that
20 happened in the past March 15th. According to the
21 new excerpts, it looks like a plot in the future.
22 According to the old one, it was referring to a plot
23 that was in the past. It is so much different there
24 would be so much work involved in trying to go over
25 any new translations, I would suggest that the

1 prosecution limit themselves to the translations of
2 the entire fifteen years which they have previously
3 delivered to us.

4 THE PRESIDENT: The defense is no longer
5 embarrassed or prejudiced by the use of the two
6 translations, because the prosecution has decided
7 to rely upon the later translation.

8 MR. WARREN: If the Tribunal please, the
9 defense would like to make a request of the Tribunal.
10 The differences in the screening translation re-
11 ferred to by the prosecution and the later trans-
12 lation are so grave that the defense views it with
13 alarm, and we request the Tribunal to have the Lan-
14 guage Section of this Tribunal check the translation
15 in order that we may have an accurate translation,
16 and we ask that that be done without the assistance
17 of the prosecution.

18 LANGUAGE ARBITER: (Major Moore) If the
19 Tribunal please, sir, we have had disputes in re-
20 gard to translations brought before the Tribunal.
21 They have been, as far as I know, adequately ad-
22 justed to the satisfaction of both the prosecution
23 and the defense. If this problem is brought before
24 the regularly established machinery of the Tribunal
25 in the same way that the others were brought forth,

1 I am sure that they can be settled without taking
2 the time of the Court in open court.

3 MR. HOZUMI: I am defendant HOZUMI. I make
4 one request of the prosecution. We have received
5 one photostatic copy of defendant KIDO's diary, but
6 we request that we receive another one.

7 MONITOR: Instead of defendant HOZUMI it should
8 be defense counsel HOZUMI.

9 MR. HOZUMI: The one I have received is
10 being used by my associate counsel, Mr. Logan, and
11 since the report is 1,115 pages it will take him
12 quite a long time to go through this all, and I wish
13 that I could receive another one.

14 THE PRESIDENT: You have not such a grievance.
15 You are in the same position as the other defendants.
16 We have done all we can do for you. We do not for-
17 get that you are a Japanese counsel and can read
18 Japanese. This is only a waste of time. We do not
19 overlook the fact that it is really a weakness in the
20 prosecution and an advantage to the defense to have
21 inconsistent translations presented by the prosecu-
22 tion. Now, the prosecution are relying, or have
23 elected to rely, upon the second translation, and
24 that should be the end of this matter

25 MR. MCKENZIE: If the Tribunal please, we

1 fully appreciate the fact that the frequent reading
2 from records and documents tends to become tiresome
3 and monotonous. The Lytton Report is an unusual
4 document. After careful consideration and much dis-
5 cussion, based on many years of trial experience, we
6 honestly believe that an hour or two spent on the
7 Lytton Report in the next few days will not only save
8 the Tribunal many hours, or perhaps days, of time, if
9 the facts stated therein must be proven by other tes-
10 timony, but it will also enable the prosecution to
11 present concisely the overall minimum background
12 necessary to lay the proper foundation for showing
13 the overall conspiracy charged in the Indictment.

14 I might also state that in an attempt to
15 conserve the time of the Tribunal I have endeavored
16 to work out carefully with the Language Monitor the
17 manner in which the paraphrasing will be done, so that
18 most of it can be translated simultaneously with the
19 English statements. These excerpts will make it
20 possible for the Tribunal to easily understand and
21 follow the evidence which we shall shortly present,
22 which we hope will be neither monotonous nor un-
23 interesting. Furthermore, it is necessary to make
24 the record complete as to the beginning of Japan's
25 military aggression.

1 THE PRESIDENT: Judge McKenzie, I under-
2 stand that the paraphrasing is being changed and is
3 embarrassing the Japanese translator. Let us go ahead.
4 There is no protest, but I was told so this morning.

5 MR. MCKENZIE: Thank you, your Honor.

6 Chapter one of the --

7 MR. WARREN: If the Tribunal please, the
8 defense does protest very strenuously to the para-
9 phrasing of a document which has been introduced in
10 evidence. It permits the prosecution to place their
11 opinion -- it amounts to the prosecution testifying.
12 We have no objection to the prosecution reading ex-
13 cerpts, because we will have the same privilege, but
14 to paraphrase, your Honor, amounts to their inter-
15 pretation. This Tribunal can interpret the matter,
16 if read to them, the portions they want, but we
17 realize the difficulty the Tribunal will be under.
18 It may be impossible for the Tribunal to read all
19 of these documents placed before it in toto, and it
20 may be you will have to depend upon the paraphrasing
21 of the prosecution, and we believe from our own ex-
22 perience that the same document that they can bring
23 out to the Court everything necessary by reading
24 excerpts, and we certainly wish to object to para-
25 phrasing and ask the Tribunal not to permit them to

do so.

MR. MCKENZIE: May I say to the Tribunal that the method I had planned to use and had worked out with the Language Section will consist almost entirely of brief quotations, which I shall indicate and have already had marked, and a reading of the notes in the margin, with only such changes as are necessary to make the English smooth, or the language clear.

Chapter I of the Lytton report is an outline of recent developments in China. While this chapter might be important for a complete understanding of the entire problem presented to the League of Nations, I do not believe it is of sufficient importance to be read in full into the record of these proceedings at this time, since our section is principally interested in Japan's military aggression in Manchuria, and so we shall omit that chapter.

Chapter II deals with Manchuria, and I believe the opening paragraphs on page 24 and the first four and a half paragraphs on page 25 will be helpful to the Court.

(Reading): "Manchuria, which is known in China as the Three Eastern Provinces, a large, fertile region only forty years ago almost undeveloped

1 and even now still under-populated, has assumed an
2 increasingly important role in the solution of the
3 surplus population problems of China and Japan. The
4 provinces of Shantung and Hopei have poured millions
5 of destitute farmers into Manchuria, while Japan has
6 exported to that country her manufactured articles and
7 capital, in exchange for food supplies and raw
8 materials. In providing for the respective needs
9 of China and Japan, Manchuria has proved the use-
10 fulness of their partnership. Without Japan's
11 activity, Manchuria could not have attracted and
12 absorbed such a large population. Without the
13 influx of Chinese farmers and labourers, Manchuria
14 could not have developed so rapidly, providing Japan
15 thereby with a market and with supplies of food,
16 fertilisers, and raw materials.

17 "Yet, Manchuria, so largely dependent on
18 co-operation, was destined, for reasons already in-
19 dicated, to become a region of conflict: at first
20 between Russia and Japan, later between China and her
21 two powerful neighbours. At first, Manchuria en-
22 tered into this great conflict of policies only as
23 an area, the occupation of which was thought to imply
24 domination of Far-Eastern politics. It became
25 coveted for its own sake later, when its agricultural,

1 mineral and forestry resources had been discovered.
2 Exceptional treaty rights were acquired in the first
3 instance by Russia at the expense of China. Those
4 which concerned South Manchuria were subsequently
5 transferred to Japan. The use of the privileges so
6 acquired became more and more instrumental in fur-
7 thering the economic development of South Manchuria."

8 THE PRESIDENT: Just a minute, Mr. McKenzie.
9 Some of the judges would like copies of the report
10 if you have it.

11 MR. MCKENZIE: Sir?

12 THE PRESIDENT: Some of the judges would
13 like copies of the report. I understand what you
14 are reading is already before us, but the report
15 itself is sought by at least one of my colleagues,
16 and I would like you to get him a copy if you can.

17 MR. MCKENZIE: I understood that had already
18 been filed with the Court. I am advised, if the
19 Court please, that one has been distributed to the
20 judges when they were first introduced.

21 THE PRESIDENT: Apparently there has been
22 some misapprehension.

23 MR. MCKENZIE: May I proceed then, your
24 Honor?

25 THE PRESIDENT: You may.

1 Mr. MCKENZIE: (Reading) "Strategical con-
2 siderations have remained paramount, but the ex-
3 tensive economic interests resulting from the ac-
4 tive part taken by Russia and Japan in the develop-
5 ment of Manchuria found an ever-increasing in-
6 sistence in the foreign policy of these two countries.

7 "China at first showed little activity in
8 the field of development. She almost allowed Man-
9 churia to pass from her control to that of Russia.
10 Even after the Treaty of Portsmouth, which reaffirmed
11 her sovereignty in Manchuria, the economic activities
12 of Russia and Japan in developing those provinces
13 figured more prominently than her own in the eyes of
14 the world. Meanwhile the immigration of millions of
15 Chinese farmers settled the future possession of the
16 land. This immigration was in fact an occupation -
17 peaceful, inconspicuous, but none the less real.
18 While Russia and Japan were engaged in delimiting
19 their respective spheres of interest in North and
20 South Manchuria, Chinese farmers took possession of
21 the soil and Manchuria is now unalterably Chinese.
22 In such circumstances, China could afford to wait
23 for a favourable opportunity to reassert her sovereign
24 rights. The Russian revolution of 1917 gave her that
25 opportunity in North Manchuria. She began to take a

more active part in the government and development of the country, which had been so long neglected. In recent years she has tried to diminish Japan's influence in South Manchuria. Growing friction resulted from that policy, the culminating point of which was reached on September 18th, 1931.

"The total population is estimated at about 30,000,000, of whom 28,000,000 are said to be Chinese or assimilated Manchus. The number of Koreans is put at 800,000, of whom a large number are congregated in the so-called Chientao District on the Korean border, the remainder being widely scattered in Manchuria. Mongol tribes live in the pasture lands bordering Inner Mongolia, their number being small. There may be about 150,000 Russians in Manchuria, most of them living in the area along the Chinese Eastern Railway, especially at Harbin. About 230,000 Japanese are mainly concentrated in the settlements along the South Manchuria Railway and in the Kwantung Leased Territory (Liaotung Peninsula). The total number of Japanese, Russians and other foreigners (excluding Koreans) in Manchuria does not exceed 400,000.

"Manchuria is a vast country with an area as large as that of France and Germany taken

1 together, estimated at about 380,000 square miles.
2 In China it is always referred to as the 'Three
3 Eastern Provinces' because of its administrative
4 division into the three provinces of Liaoning (or
5 Fengtien) in the South, Kirin in the East, and
6 Heilungkiang in the North. Liaoning is estimated
7 to have an area of 70,000 square miles, Kirin of
8 100,000, Heilungkiang of over 200,000.

9 "Manchuria is continental in its charac-
10 teristics. There are two mountain ranges, the
11 Changpai Range in the south-east and the Great
12 Khingan Range in the north-west. Between these two
13 mountain ranges lies the great Manchurian plain, of
14 which the northern part belongs to the basin of the
15 Sungari River and the southern part to that of the
16 Liao River. The watershed between them, which has
17 some historical importance, is a range of hills
18 dividing the Manchurian plain into a northern and a
19 southern part.

20 "Manchuria is bounded on the west by the
21 province of Hopeh and by Outer and Inner Mongolia.
22 Inner Mongolia was formerly divided into three
23 special administrative areas - Johol, Chahar and
24 Suiyuan - which were given the full status of pro-
25 vinces by the National Government in 1928. Inner

1 Inner Mongolia, and more especially Jehol, has al-
2 ways had relations with Manchuria, and exercises
3 some influence in Manchurian affairs."

4 Following that is a description of the
5 boundaries to the south and east, which are not
6 important to our case.

7 Next are dealt with the economic resources
8 and the timber and minerals of this area.

9 Section 2, "Relations with the rest of
10 China," and I desire to read the first two or three
11 sentences:

12 "Manchuria has, since the dawn of history,
13 been inhabited by various Tungus tribes, who mixed
14 freely with Mongol Tartars. Under the influence of
15 Chinese immigrants of superior civilisation they
16 learned to organise themselves and established sev-
17 eral kingdoms which sometimes dominated the greater
18 part of Manchuria and some northern districts in
19 China and Korea. The Liao, Chin, and Manchu Dynasties
20 even conquered large parts or the whole of China
21 over which they ruled for centuries. China, on the
22 other hand, under strong emperors, was able to stem
23 the tide from the North, and in her turn to establish
24 sovereignty over large parts of Manchuria. Colonisa-
25 tion by Chinese settlers was practised at a very

1 early date."

2 Skipping to the second paragraph on page
3 27: "In 1907, a few years only before its abdication,
4 the Manchu Dynasty had decided to reform the adminis-
5 tration in Manchuria. These provinces had hitherto
6 been administered as a separate, extra-mural dominion,
7 with its own form of government. The Chinese prac-
8 tice of entrusting the civil administration in the
9 provinces to scholars who had passed the competitive
10 examinations had not been followed in Manchuria,
11 which had been placed under a purely military regime
12 in which Manchu officials and traditions were main-
13 tained."

14 Moving down a number of lines to the end of
15 the paragraph: "In 1907, therefore, this attempt
16 was given up. The three military governors were
17 replaced by a Viceroy for all Manchuria, with the
18 object of centralising authority, especially in the
19 domain of foreign policy."

20 And the second from the last paragraph,
21 page 27: "When the Revolution broke out in 1911,
22 the Manchurian authorities who were not in favour of
23 the Republic succeeded in saving these provinces
24 from the turmoil of civil war by ordering Chang
25 Tso-lin, who was later to become the dictator of

1 both Manchuria and North China, to resist the ad-
2 vance of the revolutionary troops. When the Republic
3 had been established, the Manchurian authorities
4 accepted the fait accompli and voluntarily followed
5 the leadership of Yuan Shih-kai, who was chosen the
6 first President of the Republic. To each province
7 both civil and military governors were appointed.
8 In Manchuria, as in the rest of China, the military
9 governors soon succeeded in putting their civil
10 colleagues into the background.

11 "In 1916, Chang Tso-lin was appointed mili-
12 tary governor of Fengtien province, concurrently
13 acting as civil governor. His personal influence
14 extended much further. When the question arose of
15 declaring war against Germany, he joined the mili-
16 tary leaders in China in their request to dissolve
17 the Parliament which had opposed that measure. When
18 the request was rejected by the President, he declared
19 his province independent from the Central Government
20 at Peking. Later, he withdrew that declaration and
21 in 1918, in recognition of his service to the Central
22 Government, he was appointed Inspector-General of all
23 Manchuria. In this way Manchuria again became an
24 administrative unit with its own special regime.

25 "Chang Tso-lin accepted the honours accorded

1 by the Central Government, but his attitude from
2 time to time depended on the nature of his personal
3 relations with the military leaders who controlled
4 the changing central authorities. He seems to have
5 looked upon his relations with the Government in the
6 sense of a personal alliance. In July 1922, when he
7 failed to establish his authority south of the Great
8 Wall and saw his rivals taking control of the Peking
9 Government, he renounced allegiance to the Central
10 Government and maintained complete independence of
11 action in Manchuria until he extended his authority
12 south of the Wall and became master of Peking as
13 well. He expressed his willingness to respect foreign
14 rights, and accepted the obligations of China, but
15 he requested foreign Powers to negotiate henceforth
16 directly with his administration in all matters con-
17 cerning Manchuria."

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1 "Accordingly, he repudiated the Sino-Soviet
2 Agreement of May 31st, 1924, though very advan-
3 tageous to China, and persuaded the U.S.S.R. to
4 conclude a separate agreement with him in September
5 1924. It was virtually identical with that of May
6 31st, 1924, with the Central Government. This
7 fact emphasised Chang Tso-lin's insistence on the
8 recognition of his complete independence of action,
9 both in domestic and foreign policy.

10 "In 1924, he invaded China again and was suc-
11 cessful, because General (now Marshal) Feng Yu-
12 hsiang abandoned his superior, General (now Marshal)
13 Wu Pei-fu, at a critical moment in the campaign.
14 The immediate result was the overthrow of the
15 Central Government and the expansion of Marshal
16 Chang's influence as far south as Shanghai.

17 "In 1925, Marshal Chang had again to resort
18 to arms, this time against his late ally, General
19 Feng. In this campaign one of his commanders,
20 Kuo Sung-lin, abandoned him at a most critical
21 moment in favour of General Feng."

22 The description of the mutiny of Kuo
23 Sung-lin in 1925 is read, if the Tribunal please, because
24 of several references to that in explaining military

1 action later.

2 "The mutiny of Kuo Sung-lin in November 1925
3 was of more than passing interest, because it in-
4 volved both the U.S.S.R. and Japan, the action of
5 the former having been indirectly of advantage to
6 General Feng and that of the latter to Marshal
7 Chang. Kuo Sung-lin, though a subordinate of the
8 Marshal, shared General Feng's views about social
9 reform, and turned against his superior in the
10 belief that his downfall was necessary to put an
11 end to civil war. This defection put the Marshal
12 in a most critical position. Kuo Sung-lin was
13 in possession of the territory west of the rail-
14 way and the Marshal was at Mukden with greatly
15 reduced forces. At this moment, Japan, in her
16 own interests in South Manchuria, declared a neu-
17 tral zone of 20 li (7 miles) on each side of the
18 South Manchuria Railway, across which she would
19 allow no troops to pass. This prevented Kuo Sung-
20 lin from advancing against the Marshal and allowed
21 time for the reinforcements from Heilungkiang to
22 reach him. They were delayed by the action of the
23 Soviet railway authorities, who refused to allow
24 them to travel over the railway without first
25 paying their fares in cash, but they managed to

1 travel by another route.

2 "The arrival of these reinforcements and the
3 more or less open help given by the Japanese settled
4 the campaign in the Marshal's favour. Kuo Sung-lin
5 was defeated and General Feng was forced to with-
6 draw and to abandon Peking to Marshal Chang. Marshal
7 Chang resented the action of the authorities of the
8 Chinese Eastern Railway on this occasion and left
9 no stone unturned to retaliate by continuous en-
10 croachments on the rights of this railways. The
11 experience provided by this incident appears to have
12 been an important factor in causing him to build
13 an independent railway system connecting the three
14 provincial capitals of Manchuria.

15 "The independence declared by Marshal Chang
16 Tso-lin at different times never meant that he or
17 the people of Manchuria wished to be separated from
18 China. His armies did not invade China as if it were
19 a foreign country, but merely as participants in the
20 civil war. Like the war lords of any other province,
21 the Marshal alternately supported, attacked, or de-
22 clared his territory independent of the Central
23 Government, but never in such a way as to involve
24 the partition of China into separate States. On
25 the contrary, most Chinese civil wars were directly

1 or indirectly connected with some ambitious scheme
2 to unify the country under a really strong Govern-
3 ment. Through all its wars and periods of 'inde-
4 pendence', therefore, Manchuria remained an integral
5 part of China.

6 "Although Marshal Chang Tso-lin and the Kuomin-
7 tang had been allies in the wars against Wu Pei-fu,
8 the former did not himself accept the doctrines of
9 the Kuomintang. He did not approve of the consti-
10 tution as desired by Dr. Sun, as it did not seem
11 to him to harmonise with the spirit of the Chinese
12 people; but he desired the unification of China,
13 and his policy with regard to the spheres of in-
14 terest of the U.S.S.R. and Japan in Manchuria shows
15 that he would have liquidated both if he could have
16 done so. Indeed, he almost succeeded in accomplishing
17 this in the case of the sphere of the U.S.S.R. and
18 initiated the policy of railway construction already
19 referred to, which was to cut off the South Man-
20 churia Railway from some of its feeder districts.
21 This attitude towards U.S.S.R. and Japanese interests
22 in Manchuria may be attributed partly to impatience
23 at the limitations of his authority in dealing with
24 these countries and partly to the resentment which
25 he shared with all shades of Chinese opinion re-

1 garding the privileged position of foreigners in
2 China. In fact, in November 1924, he invited Dr.
3 Sun to a re-organization conference in the pro-
4 gramme of which the latter wanted to include the
5 improvement of the standard of living, the con-
6vening of a national convention, and the abolition
7 of unequal treaties." This was prevented by Dr.
8 Sun's fatal illness; "but his proposals suggest
9 a certain understanding with the Marshal and a
10 possible basis of agreement between them with re-
11 gard to the foreign policy of their country.

12 "In the last years of his life, Marshal Chang
13 Tso-lin showed increasing unwillingness ..."

14 THE PRESIDENT: Judge McKenzie, I under-
15 stand that there is a failure in one of the lines
16 and the defendants are not hearing what you are
17 saying, or the translation of it. I think we
18 had better have a recess now. We will recess
19 now for fifteen minutes while repairs are being
20 made.

21 (Whereupon, at 1035, a recess
22 was taken until 1055, after which the
23 proceedings were resumed as follows:)

Greenerberg &

1 MARSHAL OF THE COURT: The Tribunal is now
2 resumed.

3 Mr. President, for your information, we have
4 been unable to repair the break in the Japanese sound
5 channel, and it will be required for a relay interp-
6 retation.

Barton

7 THE PRESIDENT: Very well. Judge McKenzie.

8 MR. MCKENZIE: I understood, if the Tri-
9 bunal please, they desire to give at this time the
10 part that was missed; or shall I proceed?

11 THE PRESIDENT: We will have to go back to
12 the old system. You will have to stop at times
13 while what you say is translated into Japanese.

14 MR. MCKENZIE: The portion that was missed
15 just before recess, your Honor.

16 THE PRESIDENT: We are in the hands of
17 Ensign Hornstein.

18 LANGUAGE SECTION CHIEF: Mr. President,
19 if Professor McKenzie can continue to the end of
20 his present excerpt, we can, when he finishes that,
21 read the part that was not read in Japanese.
22 Inasmuch as he is reading excerpts, it will be
23 possible for him to read through his excerpts with-
24 out destroying his train of thought and then to read
25 the entire excerpt in Japanese.

1 MR. MCKENZIE: (Reading)

2 "In the last years of his life, Marshal
3 Chang Tso-lin showed increasing unwillingness to
4 allow Japan to profit by the privileges she de-
5 rived from various treaties and agreements. Their
6 relations at times became somewhat strained. Japan-
7 ese advice that he should keep out of the factional
8 strife in China and concentrate his energy on the
9 development of Manchuria he resented and disregarded,
10 as did his son after him. After the defeat of Gen-
11 eral Feng, Chang Tso-lin became the chief of the
12 alliance of the Northern militarists, with the
13 title of Great Marshal.

14 "In 1928, he suffered defeat at the hands
15 of the Kuomintang Army in their Northern Expedition
16 referred to in Chapter I, and was advised by Japan
17 to withdraw his armies into Manchuria before it was
18 too late. The declared object of Japan was to save
19 Manchuria from the evils of civil war which would
20 have resulted from the entry of a defeated army
21 pursued by its victors.

22 "The Marshal resented the advice, but was
23 obliged to follow it. He left Peiping (formerly
24 Peking) on June 3rd, 1928, for Mukden, but was
25 killed the next day by an explosion which wrecked

1 his train just outside the city at the spot where
2 the Peiping-Mukden Railway passes underneath the
3 bridge over which run the lines of the South Man-
4 churia Railway.

5 "The responsibility for this murder has
6 never been established. The tragedy remains
7 shrouded in mystery, but the suspicion of Japanese
8 complicity to which it gave rise became an addi-
9 tional factor in the state of tension which Sino-
10 Japanese relations had already reached by that
11 time."

12 In that connection, may I call the Tri-
13 bunal's attention to the fact that witnesses who are
14 deemed important for a later phase of our section
15 will be introduced to solve the mystery and name
16 the murderer.

17 THE MONITOR: Will the reporter please
18 read that?

19 (Whereupon, the last statement was
20 read by the official court reporter.)

21 MR. MCKENZIE (Continuing): Young Marshal
22 Chang Hsueh-liang's relations with the Kuomintang
23 were more nominal than real.

24 The effect of the union with the Nationalist
25 Government on the foreign policy in Manchuria was to

1 increase the opposition of the Chinese to Japanese
2 interference.

3 THE MONITOR: Will the reporter please
4 read that?

5 (Whereupon, the last statement
6 was read by the official court reporter.)

7 MR. MCKENZIE: Continuing to read from the
8 marginal notes, if the Tribunal please, next is the
9 effect on the domestic affairs which were not very
10 much affected.

11 "The Political Committee of the North-
12 Eastern Provinces" were set up as a body.

13 MR. WARREN: If the Court please, we wish
14 to object to the interpretation being placed by
15 the prosecution, especially to this last one, the
16 "effect on the domestic affairs" which he said were
17 not very much affected. We believe that they were.
18 That is a very short paragraph, and we would like
19 to ask that he read it rather than let him give
20 his own interpretation in which he is invading the
21 province of the Tribunal.

22 THE PRESIDENT: Counsel opening a case can-
23 not merely state what his evidence is going to be
24 but also what he submits it means.

25 MR. WARREN: If the Tribunal please, we

1 did not understand this to be an opening statement.
2 We felt they had made their opening statement to
3 this phase and that they are now reading evidence
4 to the Court.

5 THE PRESIDENT: However, in a trial like
6 this, it may be well that the prosecution should
7 refrain, as far as possible, from making any com-
8 ments except with a view to fastening the Court's
9 attention on the points.

10 MR. MCKENZIE: I have endeavored to do
11 that, if the Tribunal please, and have inserted
12 just enough words to try to make a complete sen-
13 tence without changing the meaning in any way.
14

15 The next deals with the fact that the Army
16 and military expenditure resulted in expending
17 eighty percent of the total revenue of the country.
18

19 The constructive efforts of the Chinese
20 administration in Manchuria are there dealt with,
21 saying they "played a much greater part than
22 formerly."
23

24 Next is the "commercial relations with
25 the rest of China."

26 Section 3 are the "Relations with Russia"
27 showing the establishment of the Chinese Eastern
28 Railway by the contract of September 8th, 1896.
29

1 Next is described the lease of the Liaotung
2 Peninsula to Russia in 1896 for a period of twenty-
3 five years.

4 Then is described the Russian occupation
5 of Manchuria in 1900.

6 "Japan resorted to war against Russia,
7 February 10th, 1904" in which Russia was defeated
8 and the Treaty of Portsmouth settled.

9 Following this, the Russian influence was
10 restricted to North Manchuria.

11 The Siberian expedition is then described.

12 "After outbreak of Russian Revolution in
13 1917, China revokes privileges granted to Russia in
14 1895."

15 The special railway districts were then
16 joined into administrative districts.

17 Skipping the next two paragraphs, it deals
18 with Chang Tso-lin's aggressive policy against the
19 interests of the USSR and the final efforts of China
20 to liquidate Soviet influence in Manchuria, 1929.

21 The USSR took action resulting in the
22 Protocol of Habarovsk on December 22, 1929 in which
23 the status quo was reestablished.

24 The Russo-Japanese relations regarding
25 Manchuria since 1905 are then described, and the

1 policy of cooperation between Japan and Russia
2 during the period of 1907 to 1917.

3 "The effect of the Russian Revolution on
4 Japan," reading, "shattered the basis of Russo-
5 Japanese understanding and co-operation in Man-
6 churia."

7 Chapter III deals with the Manchurian
8 Issues Between Japan And China Before September
9 18th, 1931. And the next page or two are deemed
10 an important part of the record, if the Tribunal
11 please.

12 "During the quarter of a century before
13 September 1931, the ties which bound Manchuria to
14 the rest of China were growing stronger and, at the
15 same time, the interests of Japan in Manchuria were
16 increasing. Manchuria was admittedly a part of
17 China, but it was a part in which Japan had ac-
18 quired or claimed such exceptional rights, so
19 restricting the exercise of China's sovereign rights,
20 that a conflict between the two countries was a
21 natural result.

22 "By the Treaty of Peking of December 1905,
23 China gave her consent to the transfer to Japan of
24 the Kwantung Leased Territory, which was formerly
25 leased to Russia, and of the southern branch of the

1 Russian-controlled Chinese Eastern Railway as far
2 north as Changchun. In an additional agreement,
3 China granted to Japan a concession to improve
4 the military railway between Antung and Mukden
5 and to operate it for fifteen years.

6 "In August 1906, the South Manchuria Railway
7 Company was organised by Imperial Decree to take
8 over and administer the former Russian Railway,
9 as well as the Antung-Mukden Railway. The Jap-
10 anese Government acquired control of the company
11 by taking half of the shares in exchange for the
12 railway, its properties, and the valuable coal-
13 mines at Fushun and Yentai. The company was
14 entrusted, in the railway area, with the functions
15 of administration and was allowed to levy taxes;
16 it was also authorised to engage in mining, electri-
17 cal enterprises, warehousing, and many other
18 branches of business.

19 "In 1910, Japan annexed Korea. This annexa-
20 tion indirectly increased Japanese rights in Man-
21 churia, since Korean settlers became Japanese
22 subjects over whom Japanese officials exercised
23 jurisdiction.

24 "In 1915, as a result of the group of excep-
25 tional demands made by the Japanese and generally

1 known as the 'Twenty-one Demands', Japan and China
2 signed a Treaty and exchanged Notes on May 25th
3 regarding South Manchuria and Eastern Inner Mon-
4 golia. By those agreements, the lease of the
5 Kwantung Territory, including Port Arthur and Dalny
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1 (now Dairen), which was originally for a period of
2 twenty-five years, and the concessions for the South
3 Manchuria and the Antung-Mukden Railways, were all
4 extended to ninety-nine years. Furthermore, Japanese
5 subjects in South Manchuria acquired the right
6 to travel and reside, to engage in business of any
7 kind, and to lease land necessary for trade, in-
8 dustry and agriculture. Japan also obtained rights
9 of priority for railway and certain other loans in
10 South Manchuria and Eastern Inner Mongolia, and
11 preferential rights regarding the appointment of
12 advisers in South Manchuria. At the Washington
13 Conference, 1921-22, however, Japan relinquished
14 her rights regarding the loans and the advisers.
15

16 "These treaties and other agreements gave
17 to Japan an important and unusual position in
18 Manchuria. She governed the leased territory with
19 practically full rights of sovereignty. Through
20 the South Manchuria Railway, she administered the
21 railway areas, including several towns and large
22 sections of such populous cities as Mukden and
23 Changchun; and in these areas she controlled the
24 police, taxation, education and public utilities.
25 She maintained armed forces in many parts of the
 country: the Kwantung Army in the Leased Territory,

1 Railway Guards in the railway areas, and Consular
2 Police throughout the various districts.

3 "This summary of the long list of Japan's
4 rights in Manchuria shows clearly the exceptional
5 character of the political, economic and legal
6 relations created between that country and China in
7 Manchuria. There is probably nowhere in the world
8 an exact parallel to this situation, no example of
9 a country enjoying in the territory of a neighboring
10 State such extensive economic and administrative
11 privileges. A situation of this kind could pos-
12 sibly be maintained without leading to incessant
13 complications and disputes if it were freely desired
14 or accepted on both sides, and if it were the sign
15 and embodiment of a well-considered policy of close
16 collaboration in the economic and in the political
17 sphere. But, in the absence of those conditions, it
18 could only lead to friction and conflict."

19 Reading merely the first paragraph of
20 Section II, "The Chinese people regard Manchuria as
21 an integral part of China and deeply resent any
22 attempt to separate it from the rest of their
23 country. Hitherto, these Three Eastern Provinces
24 have always been considered both by China and by
25 foreign Powers as a part of China, and the de jure

1 authority of the Chinese Government there has been
2 unquestioned. This is evidenced in many Sino-
3 Japanese treaties and agreements, as well as in
4 other international conventions, and has been re-
5 iterated in numerous statements issued officially
6 by Foreign Offices, including that of Japan."

7 Section II of this chapter deals with
8 conflict between the fundamental interests of Japan
9 and China in Manchuria.

10 "The Chinese regard Manchuria as their
11 'first line of defense,'" first line in the follow-
12 ing paragraph.

13 Next is described "China's economic
14 interest in Manchuria."

15 Then, Japanese interests in Manchuria:"
16 and the "sentiment resulting from the Russo-Japanese
17 War."

18 From the third paragraph on page 39,
19 "Manchuria has been frequently referred to as the
20 'life-line' of Japan," and that paragraph deals with
21 Japan's strategic interest in Manchuria.

22 Next is described "Japan's 'special
23 position' in Manchuria."

24 Reading the last half of the paragraph the
25 top of page 40:

1 "The signatories of the Nine-Power Treaty
2 of the Washington Conference of February 6th, 1922,
3 by agreeing 'to respect the sovereignty, the inde-
4 pendence, and the territorial and administrative
5 integrity' of China, to maintain 'equality of oppor-
6 tunity in China for the trade and industry of all
7 nations,' by refraining from taking advantage of
8 conditions in China 'in order to seek special rights
9 or privileges' there, and by providing 'the fullest
10 and most unembarrassed opportunity to China to
11 develop and maintain for herself an effective and
12 stable government,' challenged to a large extent the
13 claims of any signatory State to a 'special position'
14 or to 'special rights and interests' in any part
15 of China, including Manchuria."

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1 The next section deals with Japan's claim
2 to a special position in Manchuria in conflict with
3 China's sovereign rights and policies, and Japan's
4 general policy toward Manchuria. I would like to
5 read the first two paragraphs at the top of page 41:

6 "The 'friendship policy' developed from
7 about the time of the Washington Conference and
8 was maintained until April 1927; it was then sup-
9 planted by the positive policy', which was followed
10 until July 1929; finally, the 'friendship policy'
11 was again adopted and continued the official policy
12 of the Foreign Office until September 1931. In the
13 spirit which actuated the two policies there was a
14 marked difference: the 'friendship policy' rested,
15 in Baron Shidehara's words, 'on the basis of good
16 will and neighbourliness'; the 'positive policy'
17 rested upon military force. But, in regard to the
18 concrete measures which should be adopted in Man-
19 churia, these two policies differed largely on the
20 question as to the lengths to which Japan should go
21 to maintain peace and order in Manchuria and to
22 protect Japanese interests.

23 "The 'positive policy' of the Tanaka Minis-
24 try placed greater emphasis upon the necessity for
25 regarding Manchuria as distinct from the rest of

1 China; its positive character was made clear by the
2 frank declaration that, 'if disturbances spread to
3 Manchuria and Mongolia, and, as a result, peace
4 and order are disrupted, thereby menacing our spe-
5 cial position and rights and interests in these
6 regions,' Japan would 'defend them, no matter whence
7 the menace comes.' The Tanaka policy definitely
8 asserted that Japan would take upon herself the
9 task of preserving 'peace and order' in Manchuria
10 -- in contrast to previous policies which limited
11 their objectives to protecting Japanese interests
12 there."

13 If the Court please, I desire at this time
14 to offer prosecution's exhibit No. 169, which is
15 a statement issued by Baron TANAKA on July 7, 1927,
16 defining his policy -- the so-called positive policy.
17 It is properly certified as coming from the Foreign
18 Office and with the necessary certificates attached.
19

THE PRESIDENT: Admitted on the usual terms.

20 P. (Whereupon, prosecution's exhibit
21 No. 169 was received in evidence.)

22 MR. MCKENZIE: This is IPS document No.
23 1410. Will it be received, your Honor?

24 THE PRESIDENT: Admitted on the usual terms.

25 MR. MCKENZIE: I call the Tribunal's attention

1 particularly to the first two paragraphs and para-
2 graph 5, 6, 7, and 8, as outlining that policy, with-
3 out reading into the record at this time.

4 MR. McCORMACK: If the Tribunal please, we
5 would like to find out what this is, where they got
6 it, and just what it means. I mean this might be
7 a copy from a newspaper. Up in the right-hand cor-
8 ner it says "rough translation." I do not know what
9 that means to the case, and there is nothing in the
10 record to show it so far.

11 THE PRESIDENT: They said they got it from
12 the Japanese government.

13 MR. McCORMACK: There is nothing in this
14 copy that we are supplied with to show whether it is
15 a copy of original paragraphs taken from some document.
16 Who has put the stamp of approval on it -- whether
17 the translation in this English copy is correct?
18 There is nothing about that in the record at all,
19 and I would like to have some statement to that ef-
20 fect.

21 MR. MCKENZIE: If the Tribunal please,
22 defense counsel were furnished copies in both Japan-
23 ese and English, and if there be any error they can
24 readily discover it.

25 THE PRESIDENT: It is a great shame to waste

1 time on a document --

2 MR. MCKENZIE: Sir, --

3 THE PRESIDENT: It is a great shame to waste
4 time on a document of this type. You said you had a
5 certificate from the Japanese government.

6 MR. MCKENZIE: Yes, your Honor, signed by
7 Y. ISONO, as Chief of the Archives Section of the
8 Foreign Office, and the certificate of the man who
9 obtained it, and Mr. Danly's certificate as to its
10 custody.

11 THE PRESIDENT: And it is the statement of
12 a Prime Minister?

13 MR. MCKENZIE: Yes. I might explain that
14 "rough translation" at the top of the page, if the
15 Tribunal please. Originally, on the scanning it was
16 marked "rough translation." It was carefully checked
17 before the document was reproduced. However, and un-
18 fortunately, it was left on in the reproduction, but
19 it is a correct translation.

20 DR. KIYOSÉ: Mr. President, the copy of the
21 said statement delivered to the Japanese counsel does
22 not give the name "ISONO," but the Tokyo Asahi
23 Shimbun, a newspaper.

24 THE PRESIDENT: I do not see that it has any
25 importance.

1 MR. McKENZIE: If the Tribunal please, I
2 should like to offer next IPS document No. 760.
3 In the processing and in the translation they have
4 combined the two speeches of Foreign Minister TANAKA
5 in the 54th and 56th Session of the Diet. I have them
6 as separate documents.

7 THE PRESIDENT: I am not clear about this.
8 Are they all part of exhibit 169 or separate exhibits?

9 CLERK OF THE COURT: The next exhibit will
10 be 170.

11 THE PRESIDENT: 170.

12 MR. McKENZIE: I might say they have the
13 necessary certificates on them from the Foreign Of-
14 fice, if the Court please.

15 THE PRESIDENT: How many exhibits are there?
16 Are the three being covered with one number?

17 MR. McKENZIE: I ask the Clerk if he de-
18 sires to give them one number or two? They are two
19 documents, if the Court please, but in processing
20 them they have combined them in the distribution of
21 the copies, but not in my presentation.

22 THE PRESIDENT: We will mark them separately;
23 exhibits 170 and 171. Admitted subject to the usual
24 terms.

25 Whereupon, prosecution's exhibits

1 Nos. 170 and 171 were received in evidence.)
2
3

4 MR. MCKENZIE: These documents are offered,
5 if the Court please, referring first to 170, to show
6 that at that time, in 1928, Japan regarded Manchuria
7 as a part of China, and stated, "It may be necessary
8 for us to take these provinces into special considera-
9 tion," occurring on page 3.

10 In the document 171 -- exhibit 171, that
11 is offered for two purposes, if the Court please,
12 and I should like to read the first three paragraphs:

13 "Foreign Minister Baron TANAKA's speech at
14 the 56th Session of the Imperial Diet, January 22, 1929.

15 "With your permission I shall now dwell upon
16 questions, of which as Minister of Foreign Affairs I
17 have direct charge.

18 "It must be gratifying to you as it is to
19 me to observe that the friendship between this Empire
20 and the Treaty Powers is growing steadily in cor-
21 diality and that this Empire is making full measure
22 of contribution to the peace of the world, the founda-
23 tions of which are being strengthened year by year.

24 "As an instrument of world peace the im-
25 portance of the treaty that was signed in Paris on
August 27 last can hardly be overestimated. Consider-
ing the important character of the matter, the

1 Government deemed fit to dispatch a plenipotentiary
2 to Paris for signing the treaty and appointed Count
3 Uchida for that purpose," referring to the signing of
4 the Pact of Paris.

5 I should also like to read the last seven
6 lines of the first paragraph on the second page,
7 which is marked page 5 because of the two being com-
8 bined in the reproduction:

9 "The Japanese Government, while they will
10 respect the sovereignty of China over Manchuria and
11 do all in their power for the preservation of the
12 principles of the open door and equal opportunity,
13 are fully determined to see that no state of affairs
14 arise in Manchuria which shall disturb the local
15 tranquillity and thus put their vital interests in
16 jeopardy."

17 Referring again to the Lytton report, if
18 the Court please, following the section I have just
19 read a few moments ago, there is described the effect
20 of the Washington Conference upon Japan's position
21 and policy in Manchuria.

22 Next is described Japan's relations with
23 Chang Tso-lin, and Japan's claim to the right to
24 maintain peace and order in Manchuria. I should
25 like to read from the top of page 42 one insert.

1 I will begin at the -- the sentence begins at the
2 bottom of page 41:

3 "In the spring of 1928, when the Nationalist
4 armies of China were marching on Peking in an effort
5 to drive out the forces of Chang Tso-lin the Japanese
6 Government, under the premiership of Baron Tanaka,
7 issued a declaration that, on account of her 'spe-
8 cial position' in Manchuria, Japan would maintain
9 peace and order in that region. When it seemed
10 possible that the Nationalist armies might carry the
11 civil war north of the Great Wall, the Japanese Govern-
12 ment, on May 28th, sent to the leading Chinese generals
13 a communication which said:

14 "'The Japanese Government attaches the ut-
15 most importance to the maintenance of peace and order
16 in Manchuria, and is prepared to do all it can to
17 prevent the occurrence of any such state of affairs
18 as may disturb that peace and order, or constitute the
19 probable cause of such a disturbance.

20 "'In these circumstances, should dis-
21 turbances develop further in the direction of Pe-
22 king and Tientsin, and the situation become so
23 menacing as to threaten the peace and order of Man-
24 churia, Japan may possibly be constrained to take
25 appropriate effective steps for the maintenance of

1 peace and order in Manchuria.'

2 "At the same time, Baron Tanaka issued a
3 more definite statement that the Japanese Government
4 would prevent 'defeated troops or those in pursuit
5 of them' from entering Manchuria."

6 If the Court please, I desire at this time
7 to offer in evidence IPS document No. 1625, being
8 the Official Announcement No. 4 of May 18, 1928;
9 the last two paragraphs covering the quotation I
10 have just read. This exhibit is marked exhibit 172,
11 and bears the necessary certificate from the Foreign
12 Office of its origin.

13 THE PRESIDENT: Admitted on the usual terms.

14 (Whereupon, prosecution's exhibit No.
15 172 was received in evidence.)

16 MR. MCKENZIE: I now desire to offer the
17 IPS document No. 1626, being the Instructions given
18 to Baron HAYASHI or Ambassador HAYASHI on his visit
19 to Mukden in August of 1928, for the purpose of show-
20 ing Japan's interference with the internal affairs of
21 Manchuria.

22 THE PRESIDENT: Admitted.

23 (Whereupon, prosecution's exhibit
24 No. 173 was received in evidence.)

25 MR. MCKENZIE: It has the necessary

1 certificate, if the Court please, as to its origin
2 in the Foreign Office Archives.

3 THE PRESIDENT: Accepted on the usual terms.

4 MR. MCKENZIE: If the Court please, I now
5 desire to read a portion of this document.

6 THE PRESIDENT: We hope that the Japanese
7 sound track will be in working order after the re-
8 cess.

9 We will recess now until thirty minutes
10 after one.

11 (Whereupon, at 1200, a recess was

12 taken.)

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1 AFTERNOON SESSION

2 The Tribunal met, pursuant to recess, at
3 1332.4 (English to Japanese and Japanese to
5 English interpretation was made by MOTONO,
6 Seiichi and IWANOTO, Masahito, Lanny Miyamoto
7 acting as Monitor.)8 MARSHAL OF THE COURT: The International
9 Military Tribunal for the Far East is now resumed.10 DR. UZAWA: I have received your summons for
11 a witness. We have not received the Japanese trans-
12 lation of it. However, as it is very important, I
13 beg the Court to allow me to speak about this now.
14 We have been told to submit the list of witnesses
15 until the end of this month but, practically, it is
16 extremely difficult to do so. We would like to give
17 counter-evidence of what the prosecution has been
18 giving but for what has not yet been presented by
19 the prosecution yet, it is very difficult for us to
20 do so before the first of August. I will beg the
21 Court to take this into consideration.22 THE PRESIDENT: This matter had better be
23 brought before me in Chambers. I was responsible for
24 the drafting of the rules relating to summonses and
25 for the limitation on the time within which witnesses

1 should be subpoenaed.

2 Yes, Judge McKenzie.

3 MR. MCKENZIE: Before recess time, I men-
4 tioned that I desired to read two or three brief
5 excerpts from the last exhibit introduced which, I
6 believe, was No. 17---

7 CLERK OF THE COURT: No. 173.

8 MR. MCKENZIE: 173. The opening paragraph:

9 "Ambassador HAYASHI left Tokyo on July 28, 1928,
10 for MUKDEN via DAIREN to attend the funeral services
11 for the late CHANG Tso-lin, as a personal represent-
12 ative of Foreign Minister TANAKA, and also in the
13 Baron's own capacity as a friend of the deceased.

14 After having attended the services on August 5,
15 he had conferred with CHANG Hsueh-liang on August
16 8, 9 and 12, on various Manchurian problems, par-
17 ticularly on the compromise question. He left MUKDEN
18 on August 13, to return via the ANTUNG-MUKDEN Line,
19 and arrived in Tokyo on August 16." That last isn't
20 important but I am advised it is part of the same
21 sentence in Japanese.

22 The first paragraph: "Manchuria is Japan's out-
23 post," -- these are instructions given to Ambassador
24 HAYASHI, -- "and we are vitally interested in the
25 maintenance of peace and order in this region for it

1 "affects both Japan and Korea. We, nevertheless,
2 have no intention whatsoever of making a protectorate
3 of Manchuria or of encroaching upon her for territor-
4 ial ambitions."

5 Paragraph three: "From the standpoint of Japan,
6 mentioned above, I have thought it very unpleasant
7 to compromise with the South under the present conditions;
8 but fortunately, it is very gratifying that CHANG
9 Hsueh-liang has voluntarily decided to discontinue
10 his efforts of conciliation after having considered
11 the various relations from the point of his respon-
12 sibility as the Commander-in-Chief of the Peace
13 Preservation Corps. Hereafter, if he will do every-
14 thing voluntarily, Japan shall be prepared to co-
15 operate with him as much as possible behind the
16 scenes. In this way, I think it not at all diffi-
17 cult to make the Three Eastern Provinces the most
18 advanced territory in all China; which will be to
19 the benefit of the natives of the territory and also
20 of Japan, and eventually as well as that of China
21 as a whole. If Generalissimo CHANG Tso-lin had
22 been alive I am sure he would have pursued such a
23 course. For Mr. CHING Hsueh-liang to proceed vol-
24 untarily as above, may be the way to pursue the
25 will of the late Generalissimo."

1 "In the event of an enemy invasion upon the three
2 Eastern Provinces, Japan is determined not to spare any
3 sacrifices to maintain peace and order according to the
4 existing policy."

5 If the Tribunal please, it seems that there
6 has been an improper service of this document upon the
7 defense. There was a translation submitted which was
8 not correct. I had it corrected and the one from which
9 I read was the corrected one; but, in some way, it
10 appears the others were not destroyed and my brother
11 was served with that. There is no great difference
12 except in the name of CHANG Hsueh-liang for CHANG.
13 It distinguishes the two men.

14 THE PRESIDENT: The Bench received the same
15 copies as defense counsel.

16 MR. MCKENZIE: I shall see they receive the
17 correct ones, your Honor. I am sorry that it happened.
18 I had no knowledge of it until just now.

19 THE PRESIDENT: What do you propose? The
20 corrections are not numerous, are they?

21 MR. MCKENZIE: No, they are not.

22 THE PRESIDENT: Well, go ahead.

23 MR. WARREN: So far as we are concerned, sir,
24 I don't know that there is any material difference in
25 it and I don't suspect that anybody would want to
 object particularly. I have not found that it is too

1 serious.

2 MR. MCKENZIE: If the Court please, reverting
3 again to the Lytton report, I should like to para-
4 phrase a large portion of it, if I might. Section
5 Three of Paragraph Three deals with the Sino-Japanese
6 issues in Manchuria. The first two sentences of that
7 paragraph read:

8 "The international politics of Manchuria
9 for a quarter of a century have been largely railway
10 politics. Considerations of a purely economic and
11 railway-operating character have been overshadowed by
12 the dictates of State policies, with the result that
13 Manchurian railways cannot be said to have contributed
14 their maximum to the economic development of the
15 region."

16 "The South Manchuria Railway served Japan's
17 'Special Mission' in Manchuria," and then it deals
18 with "The conflict over 'parallel lines' ", and whether
19 that was a question of or due to a " 'treaty right' "
20 or a " 'secret protocol' ".

21 It then discusses the difficulties that
22 arose from "the interpretation of the clause phrased
23 so broadly and non-technically." Then continues a
24 discussion of the Japanese loans for construction
25 of the railway and the various railway issues that

1 wore raised, and became important subjects for dis-
2 sension.

3 Section Four on Page 49 deals with "The
4 Sino-Japanese Treaty and Notes of 1915 and Related
5 Issues." The first thing discussed is the "Twenty-one
6 Demands and the Treaty and Notes of 1915." In dis-
7 cussing the various disputes there was included the
8 matter of "The extension of the lease of the Liaotung
9 Territory and of the concessions for the South
10 Manchuria and Antung-Mukden Railway", the "railway
11 area", the "land disputes", and the right of taxation
12 in the railway areas. "The question of Japan's right
13 to maintain 'railway guards' along the South Man-
14 churia Railway" was an important issue. I would like
15 to read the first four lines from the last paragraph
16 of Page 51.

17 "The issues as to Japanese railway guards
18 led to almost continuous difficulty. They were also
19 indicative of a fundamental conflict of State policies
20 in Manchuria already referred to and were the cause of
21 a series of incidents, resulting in considerable loss
22 of life."

23 Referring to the activities of the Japanese
24 railway guards outside the railway area, I should like
25 to read four or five lines from the third-from-the-last

1 paragraph on Page 52.

2 "These guards were regular Japanese soldiers
3 and they frequently carried their police functions
4 into adjoining districts or conducted manoeuvres
5 outside the railway areas, with or without the per-
6 mission of, and with or without notification to, the
7 Chinese authorities. These acts were particularly
8 obnoxious to the Chinese, officials and public alike,
9 and were regarded as unjustifiable in law and provo-
10 cative of unfortunate incidents."

11 Next it discusses the use of consular
12 police throughout the territory and the Japanese
13 claim of a justification for using them. The balance
14 of that section deals with the discussion of other
15 rights claimed by Japan under the Treaty of 1915.

16 Section Five deals with "The Korean Prob-
17 lem in Manchuria," and particularly due to the "dual
18 nationality of Koreans in Manchuria."

19 Turning now to Page 61, I should like to
20 read the first paragraph which explains the Wanpaoshan
21 affair and the anti-Chinese riots in Korea because
22 that and the NAKAMURA Case will be mentioned many
23 times throughout the testimony.

24 "The Wanpaoshan Affair, together with the
25 case of Captain NAKAMURA, have been widely regarded

1 "as the causes immediately contributing to the
2 Sino-Japanese crisis in Manchuria. The intrinsic
3 importance of the former, however, was greatly
4 exaggerated. The sensational accounts of what
5 occurred at Wanpaoshan, where there were no casualties,
6 led to a feeling of bitterness between Chinese and
7 Japanese and, in Korea, to the serious attacks by
8 Koreans upon Chinese residents. These anti-Chinese
9 riots, in turn, revived the anti-Japanese boycott
10 in China. Judged by itself, the Wanpaoshan affair
11 was no more serious than several other incidents
12 involving clashes between Chinese and Japanese troops
13 or police which had occurred during the past few
14 years in Manchuria."

15 Passing now to Page 63, the opening statement
16 with reference to the case of Captain NAKAMURA:

17 "The case of Captain NAKAMURA was viewed by
18 the Japanese as the culminating incident of a long
19 series of events which showed the utter disregard of
20 the Chinese for Japanese rights and interests in Man-
21 churia. Captain NAKAMURA was killed by Chinese sol-
22 diers in an out-of-the-way region in Manchuria during
23 the mid-summer of 1931.

24 "Captain Shintaro NAKAMURA was a Japanese
25 military officer on active duty and, as was admitted

1 "by the Japanese Government, was on a mission under
2 the orders of the Japanese Army. While passing
3 through Harbin, where his passport was examined by
4 the Chinese authorities, he represented himself as
5 an agricultural expert. He was at that time warned
6 that the region in which he intended to travel was a
7 bandit-ridden area, and this fact was noted on his
8 passport. He was armed, and carried patent medicine,
9 which, according to the Chinese, included narcotic
10 drugs for non-medical purposes."

11 Fassing now to the last half of the par-
12 agraph ending Chapter Three on Page 66:

13 "Reference was freely made in the Press to
14 a decision to resort to armed force, to conferences
15 between the Ministry of War, the General Staff and
16 other authorities for the discussion of a plan with
17 this object, to definite instructions regarding the
18 execution, in case of necessity, of that plan to the
19 Commander-in-Chief of the Kwantung Army and to Colonel
20 DOIHARA, Resident Officer at Mukden, who had been
21 summoned to Tokyo early in September and who was
22 quoted by the Press as the advocate of a solution of
23 all pending issues, if necessary by force and as soon
24 as possible. The reports of the Press regarding the
25 sentiments expressed by these circles and some other

1 "groups point to a growing and dangerous tension."

2 We now come to Chapter Four, the "Narrative
3 of Events in Manchuria on and Subsequent to September
4 18th, 1931." This brings us up to the Incident of
5 September 18 and I should like to read the next
6 portion of this report, if the Court please:

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1 "In the preceding chapter, the growing tension
2 between the Japanese and Chinese interests in Man-
3 churia was discussed and its effect on the attitudes
4 of the military forces of the two nations described.
5 Certain internal, economic and political factors had
6 undoubtedly for some time been preparing the Japanese
7 people for a resumption of the 'positive policy' in
8 Manchuria. The dissatisfaction of the army; the
9 financial policy of the Government; the appearance
10 of a new political force emanating from the army,
11 the country districts and the nationalist youth,
12 which expressed dissatisfaction with all political
13 parties, which despised the compromise methods of
14 "western civilisation and relied on the virtues of
15 Old Japan and which included in its condemnation
16 the self-seeking methods whether of financiers or
17 politicians; the fall in commodity prices, which
18 inclined the primary producer to look to an ad-
19 venturous foreign policy for the alleviation of
20 his lot; the trade depression, which caused the
21 industrial and commerical community to believe that
22 better business would result from a more vigorous
23 foreign policy: all these factors were preparing
24 the way for the abandonment of the Shidehara
25 'policy of conciliation' with China which seemed

1 to have achieved such meagre results. This im-
2 patience in Japan was even greater among the Japanese
3 in Manchuria, where the tension throughout the sum-
4 mer was increasing. As September wore on, this
5 tension reached such a point that it was apparent
6 to all careful observers that a breaking-point must
7 soon be reached. The public Press of both countries
8 tended rather to inflame than to calm public opinion.
9 Vigorous speeches of the Japanese War Minister in
10 Tokyo, counselling direct action by their army in
11 Manchuria, were reported. Protracted delay by the
12 Chinese authorities in making satisfactory inves-
13 tigation of and redress for the murder of Captain
14 Nakamura had particularly incensed the young officers
15 of the Japanese Army in Manchuria, who clearly showed
16 their sensitiveness to irresponsible remarks and
17 slurs made by equally irresponsible Chinese officers
18 on the streets or in restaurants and other places
19 of close contact. And so the stage was set for the
20 events which followed.

22 "On the morning of Saturday, September 19th, the
23 population of Mukden woke to find their city in the
24 hands of Japanese troops. During the night sounds
25 of firing had been heard, but there was nothing

1 unusual in this; it had been a nightly experience
2 throughout the week, as the Japanese had been carry-
3 ing out night manœuvres involving vigorous rifle
4 and machine-gun firing. True that, on the night of
5 September 18th, the booming of guns and the sound
6 of shells caused some alarm to the few that dis-
7 tinguished them, but the majority of the population
8 considered the firing to be merely another repetition
9 of Japanese manœuvres, perhaps rather noisier than
10 usual.

11 "Appreciating the great importance of this
12 occurrence, which, as will be shown, was the first
13 step of a movement which resulted in the military
14 occupation of practically the whole of Manchuria,
15 the Commission conducted an extensive enquiry into
16 the events of that night. Of great value and in-
17 terest, of course, were the official accounts of
18 the Japanese and Chinese military leaders involved.
19 The Japanese case was presented by Lieutenant
20 Kawamoto, who is the earliest witness in the story,
21 by Lieutenant-Colonel Shimamoto, the Commanding
22 Officer of the battalion which carried out the
23 attack on the North Barracks (Peitaying), and by
24 Colonel Hirata, who captured the walled city. "e

1 also heard evidence from Lieutenant-General Honjo,
2 the Commander-in-Chief of the Kwantung Army, and
3 from several members of his staff. The Chinese
4 case was presented by General Wang I-Cheh, the officer
5 in command of the Chinese troops in the North Barracks,
6 supplemented by the personal narratives of his Chief
7 of Staff and of other officers who were present
8 during the operations. We also heard the evidence
9 of Marshal Chang Hsueh-liang and of his Chief of
10 Staff, General Yung Chen.

11 "According to the Japanese versions, Lieutenant
12 Kawamoto, with six men under his command, was on
13 patrol duty on the night of September 18th, prac-
14 tising defence exercises along the track of the
15 South Manchuria Railway to the north of Mukden.
16 They were proceeding southwards in the direction of
17 Mukden. The night was dark but clear and the field
18 of vision was not wide. When they reached a point
19 at which a small road crosses the line, they heard
20 the noise of a loud explosion a little way behind
21 them. They turned and ran back, and after going
22 about 200 yards they discovered that a portion of
23 one of the rails on the down track had been blown
24 out. The explosion took place at the point of junc-
25 tion of two rails; the end of each rail had been

1 cleanly severed, creating a gap in the line of 31
2 inches. On arrival at the site of the explosion,
3 the patrol was fired upon from the fields on the
4 east side of the line. Lieutenant Kawamoto immediately
5 ordered his men to deploy and return the fire. The
6 attacking body, estimated at about five or six, then
7 stopped firing and retreated northwards. The Japanese
8 patrol at once started in pursuit and, having gone
9 about 200 yards, they were again fired upon by a
10 larger body, estimated at between three and four
11 hundred. Finding himself in danger of being sur-
12 rounded by this large force, Lieutenant Kawamoto
13 then ordered one of his men to report to the Com-
14 mander of No. 3 Company, who was also engaged in
15 night manoeuvres some 1,500 yards to the north; at
16 the same time, he ordered another of his men to
17 telephone (by means of a box telephone near the
18 spot) to Battalion Headquarters at Mukden for
19 reinforcements.
20

21 "At this moment the south-bound train from
22 Changchun was heard approaching. Fearing that the
23 train might be wrecked when it reached the damaged
24 line, the Japanese patrol interrupted their engage-
25 ment and placed detonators on the line in the hope

1 of warning the train in time. The train, however,
2 proceeded at full speed. When it reached the site
3 of the explosion it was seen to sway and heel over
4 to one side, but it recovered and passed on without
5 stopping. As the train was due at Mukden at 10.30
6 p.m., where it arrived punctually, it must have
7 been about 10 o'clock p.m., according to Lieutenant
8 Kawamoto, when he first heard the explosion.

9 "Fighting was then resumed. Captain Kawashima,
10 with No. 3 Company, having heard the explosion, was
11 already proceeding southwards when he met Lieutenant
12 Kawamoto's messenger, who guided them to the spot.
13 They arrived at about 10.50 p.m. Meanwhile, Lieu-
14 tenant-Colonel Shimamoto, the Battalion Commander,
15 on receipt of a telephone message, at once ordered
16 the 1st and 4th Companies that were with him at
17 Mukden to proceed to the spot. He also sent orders
18 to the 2nd Company, which was at Fushun - an hour
19 and a-half away - to join them as soon as possible.
20 The two Companies proceeded by rail from Mukden to
21 Liutaiohu Station, and then on foot to the scene
22 of action, where they arrived a little after mid-
23 night.

24 "Lieutenant Kawamoto's patrol, reinforced by
25 Captain Kawashima's Company, was still sustaining

the fire of the Chinese troops concealed in the tall kaoliang grass, when the two Companies arrived from Mukden. Although his force was then only 500, and he believed the Chinese army in the North Barracks numbered 10,000, Lieutenant-Colonel Shimamoto at once ordered an attack on the Barracks, believing, as he told us, that 'offence is the best defence'. The ground between the railway and the North Barracks - a distance of about 250 yards - was difficult to cross in mass formation because of patches of water, and while the Chinese troops were being driven back over this ground, Lieutenant Noda was sent up the railway with a section of the 3rd Company to intercept their retreat. When the Japanese reached the North Barracks, which were described as glittering with electric light, an attack was made by the 3rd Company, which succeeded in occupying a corner of the left wing. The attack was vigorously contested by the Chinese troops within, and there was fierce fighting for some hours. The 1st Company attacked on the right and the 4th Company in the centre. At 5 a.m. the south gate of the Barracks was blown in by two shells from a small cannon left in an out-house immediately opposite to it by the Chinese,

1 and by 6 o'clock a.m. the entire barracks were
2 captured at the cost of two Japanese privates
3 killed and twenty-two wounded. Some of the barracks
4 caught fire during the fighting; the remainder were
5 burned out by the Japanese on the morning of the
6 19th. The Japanese stated that they buried 320
7 Chinese, but only found about 20 wounded.

8 "In the meantime, operations in other places
9 were being carried out with equal rapidity and thorough-
10 ness. Colonel Hirata received a telephone message
11 from Lieutenant-Colonel Shimamoto about 10.40 p.m.
12 to the effect that the South Manchuria Railway
13 track had been destroyed by Chinese troops and that
14 he was about to start to attack the enemy. Colonel
15 Hirata approved his action and himself decided to
16 attack the walled city. The concentration of his
17 troops was complete by 11.30 p.m. and his attack
18 commenced. No resistance was offered, only occasional
19 fighting on the streets, mostly with the Chinese
20 police, of whom 75 were killed. At 2.15 a.m. the
21 wall of the city was scaled. By 3.40 a.m. he had
22 captured it. At 4.50 a.m. he received information
23 that the staff of the 2nd Division and a part of the
24 16th Regiment had left Liaoyang at 3.30 a.m. These

1 troops arrived shortly after 5 a.m. At 6 a.m. the
2 occupation of the eastern wall was completed; the
3 arsenal and aerodrome were captured at 7.30. The
4 East Barracks were then attacked and by 1 p.m. were
5 occupied without fighting. The total casualties in
6 these operations were 7 Japanese wounded and 30
7 Chinese killed.

8 Lieutenant-General Honjo, who had only returned
9 from his tour of inspection that very day, received
10 the first news of what was happening at Mukden by
11 telephone from a newspaper agency at about 11 o'clock
12 a.m. The Chief of Staff received a telegraphic re-
13 port at 11.46 a.m. from the Special Service Station
14 at Mukden, giving details of the attack, and orders
15 were immediately sent to the troops at Liaoyang,
16 Yingkow and Fenghuangsheng to proceed to Mukden.
17 The fleet was ordered to leave Port Arthur and pro-
18 ceed to Yingkow and the Commander-in-Chief of the
19 Japanese Garrison Army in Korea was asked to send
20 reinforcements. Lieutenant-General Honjo left
21 Port Arthur at 3.30 a.m. and arrived at Mukden at
22 noon.

24 According to the Chinese version, the Japanese
25 attack on the Barracks (Peitaying) was entirely un-
 provoked and came as a complete surprise. On the

1 night of September 18th, all the soldiers of the 7th
2 Brigade, numbering about 10,000, were in the North
3 Barracks. As instructions had been received from
4 Marshal Chang Hsueh-liang on September 6th that
5 special care was to be taken to avoid any clash with
6 the Japanese troops in the tense state of feeling
7 existing at the time, the sentries at the walls of
8 the Barracks were only armed with dummy rifles. For
9 the same reason, the west gate in the mud wall
10 surrounding the camp which gave access to the rail-
11 way had been closed. The Japanese had been carrying
12 out night manoeuvres around the barracks on the
13 nights of September 14th, 15th, 16th, and 17th. At
14 7 p.m. on the evening of the 18th, they were manoeuver-
15 ing at a village called Wenkuantun. At 9 p.m., Officer
16 Liu reported that a train composed of three or four
17 coaches, but without the usual type of locomotive,
18 had stopped there. At 10 p.m. the sound of a loud
19 explosion was heard, immediately followed by rifle
20 fire. This was reported over the telephone by the
21 Chief of Staff to the Commanding Officer, General
22 "ang I-Cheh, who was at his private house situated
23 near the railway, about six or seven miles from the
24 barracks, to the south. While the Chief of Staff

1 was still at the telephone, news was brought to him
2 that the Japanese were attacking the barracks and that
3 two sentries had been wounded. At about 11 o'clock
4 p. m., a general attack on the south-west corner of
5 the barracks began, and at 11.30 p.m. the Japanese had
6 effected an entry through a hole in the wall. As soon
7 as the attack began, the Chief of Staff gave orders
8 for the lights to be extinguished, and again reported
9 to General Wang-I-Cheh by telephone. The latter
10 replied that no resistance was to be offered. Distant
11 artillery fire was heard at 10.30 o'clock p.m. from
12 the south-west and north-west. At midnight, live
13 shells began to fall inside the barracks. On reach-
14 ing the south gate, the retreating troops of the 621st Regi-
15 ment found that the Japanese were attacking that gate
16 and that the guard was withdrawing. They accordingly
17 took shelter in some trenches and earthworks until
18 after the Japanese soldiers had passed through into
19 the interior, when they were able to make their
20 escape through the south gate and reached the village
21 of Erhtaitze, to the north-east of the barracks,
22 about 2 a.m. Other troops made their escape through
23 the east gate and the empty barracks just outside the
24 east wall, finally reaching the same village between
25 3 and 4 a.m.

1 "The only resistance was offered by the 620th
2 Regiment, quartered in the north-east corner building
3 and the second building south of it. The commander
4 of this regiment stated that, when the Japanese troops
5 entered through the south gate at 1 a.m., the
6 Chinese troops withdrew from one building to another,
7 leaving the Japanese to attack empty buildings. After
8 the main body of the Chinese troops had withdrawn, the
9 Japanese turned eastwards and occupied the eastern
10 exit. The 620th Regiment thus found themselves cut
11 off, and had no option but to fight their way through.
12 They started to break through at 5 a.m., but did not
13 get completely clear until 7 a.m. This was the only
14 actual fighting that took place in the barracks and
15 was responsible for most of the casualties. This
16 regiment was the last to reach the village of Erhtaitze.
17

18 "As soon as they were all assembled, the Chinese
19 troops left the village in the early morning of the
20 19th for Tungling Station. From here they made their
21 way to a village near Kirin, where they obtained a
22 supply of winter clothing. Colonel Wang was sent to
23 obtain permission from General Hsi Hsia for the troops
24 to enter Kirin City. The Japanese residents at Kirin
25 were so alarmed at the approach of the Chinese soldiers
 that reinforcements were at once sent from Changchun,

1 Ssupingkai and Mukden to Kirin. Consequently, the
2 Chinese turned back towards Mukden. They left their
3 trains 13 miles outside Mukden, separated into nine
4 groups, and marched round Mukden by night. To escape
5 detection by the Japanese, General Wang I-Cheh himself
6 rode through the town disguised as a peasant. In the
7 morning, the Japanese obtained news of their presence
8 and sent aeroplanes to bomb them. They were obliged to
9 lie hidden by day, but continued their march at night.
10 Eventually they reached a station on the Peiping-Mukden
11 railway, and here they were able to order seven trains,
12 which brought them to Shanhaikwan by October 4th.
13

14 "Such are the two stories of the so-called in-
15 cident of September 18th as they were told to the
16 Commission by the participants on both sides. Clearly,
17 and not unnaturally in the circumstances, they are
18 different and contradictory."

19 This is the opinion of the Commission:
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1 "Appreciating the tense situation and high
2 feeling which had preceeded this incident, and
3 realising the discrepancies which are bound to
4 occur in accounts of interested persons, espec-
5 ially with regard to an event which took place at
6 night, the Commission, during its stay in the Far
7 East, interviewed as many as possible of the rep-
8 resentative foreigners who had been in Mukden at
9 the time of the occurrences or soon after, includ-
10 ing newspaper correspondents and other persons who
11 had visited the scene of conflict shortly after
12 the event, and to whom the first official Jap-
13 anese account had been given. After a thorough
14 consideration of such opinions, as well as of the
15 accounts of the interested parties, and after a
16 mature study of the considerable quantity of written
17 material and a careful weighing of the great mass
18 of evidence which was presented or collected, the
19 Commission has come to the following conclusions:

20 "Tense feeling undoubtedly existed between
21 the Japanese and Chinese military forces. The
22 Japanese, as was explained to the Commission in
23 evidence, had a carefully prepared plan to meet
24 the case of possible hostilities between them-
25 selves and the Chinese. On the night of September

1 18th-19th, this plan was put into operation with
2 swiftness and precision. The Chinese, in accord-
3 ance with the instructions referred to on page 69,
4 had no plan of attacking the Japanese troops, or
5 of endangering the lives or property of Japanese
6 nationals at this particular time or place. They
7 made no concerted or authorised attack on the Jap-
8 anese forces and were surprised by the Japanese
9 attack and subsequent operations. An explosion
10 undoubtedly occurred on or near the railroad be-
11 tween 10 and 10.30 p.m. on September 18th, but
12 the damage, if any, to the railroad did not in
13 fact prevent the punctual arrival of the south-
14 bound train from Changehun, and was not in itself
15 sufficient to justify military action. The military
16 operations of the Japanese troops during this night,
17 which have been described above, cannot be regarded
18 as measures of legitimate self-defense. In saying
19 this, the Commission does not exclude the hypoth-
20 esis that the officers on the spot may have thought
21 they were acting in self-defence.

22 "The narrative of the subsequent events must
23 now be resumed.

24 "On the night of September 18th, the Japanese
25 troops in Manchuria were distributed as follows:"

1 Then it gives a description of the dis-
2 tribution of the troops.

3 Advancing to the next paragraph:

4 "All the forces in Manchuria, and some of those
5 in Korea, were brought into action almost simul-
6 taneously on the night of September 18th over the
7 whole area of the South Manchuria Railway from
8 Changchun to Port Arthur. Their total strength
9 was as follows: 2nd Division, 5,400 men and 16
10 field-guns; Railway Guards about 5,000 men; Gend-
11 armerie about 500. The Chinese troops at Antung,
12 Liaoyang and other smaller towns were overcome
13 and disarmed without resistance. The Railway
14 Guards and Gendarmerie remained in these places,
15 while the units of the 2nd Division at once con-
16 centrated at Mukden to take part in the more
17 serious operations. The 16th and 30th Regiments
18 arrived in time to join Colonel Hirata and assisted
19 in the capture of the East Barracks. The 39th
20 Mixed Brigade of the 20th Division (4,000 men and
21 artillery) concentrated at 10 a.m. on the 19th
22 at Shingishu on the Korean frontier, crossed the
23 Yalu river on the 21st, and arrived at Mukden at
24 midnight. From here detachments were sent to
25 Liaoyuan and Hsinmin, which they occupied on the 22nd.

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19 in the capture of the East Barracks. The 39th
20 Mixed Brigade of the 20th Division (4,000 men and
21 artillery) concentrated at 10 a.m. on the 19th
22 at Shingishu on the Korean frontier, crossed the
23 Yalu river on the 21st, and arrived at Mukden at
24 midnight. From here detachments were sent to
25 Liaoyuan and Hsinmin, which they occupied on the 22nd.

1 "The Chinese Garrisons of Kuanchengtze and
2 Nanling at Changchun, with an estimated strength
3 of 10,000 men and 40 guns, were attacked on the
4 night of September 18th by the 4th Regiment of the
5 2nd Division and 1st Railway Guard Battalion sta-
6 tioned there (under Major-General Hasebe). Here,
7 however, some resistance was shown by the Chinese.
8 Fighting began at midnight. Nanling barracks were
9 captured by 11 a.m. on the 19th, those of Kuan-
10 chengtze by 3 p.m. that day. The total Japanese
11 casualties involved were 3 officers and 64 men
12 killed and 3 officers and 85 men wounded. As soon
13 as the fighting at Mukden was over, the Regiments
14 of the 2nd Division were concentrated at Changchun,
15 the staff, with General Tamon, the 30th Regiment
16 and one Battalion of Field Artillery arriving on
17 the 20th, and the 15th Brigade under General Amano
18 arriving on the 22nd. Kirin was occupied on the
19 21st without the firing of a shot, and the Chinese
20 troops were removed to a distance of about 8 miles.
21

22 "The Herald of Asia, a semi-official Japanese
23 publication of that time, states that all military
24 operations were then regarded as completed, and
25 that no further movements of troops were antici-
pated. The military operations which in fact

1 ensued are attributed to Chinese provocation: an
2 anti-Japanese demonstration at Chientao on the 20th,
3 the destruction of a railway station at Lungchingtsun,
4 and the explosion of some bombs which did no damage
5 on Japanese premises at Harbin on September 23rd
6 are mentioned as examples of such provocation.
7 Complaint is also made of growing banditry and of
8 the activities of disbanded soldiers. All of these
9 things, it is claimed, finally forced the Japanese
10 to new military operations against their will."

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1 MR. MCKENZIE: If the Tribunal please, at
2 this time I desire to offer in evidence Volume 7 of
3 I.P.S. Document No. 2007, entitled "Report of Pro-
4 ceedings, Hearing held before Joint Committee on
5 the Investigation of the Pearl Harbor Attack," being
6 a volume which contains sworn testimony of the Hon-
7 orable Cordell Hull, former Secretary of State of the
8 United States. It is a part of an official govern-
9 ment record of the United States, which we submit is
10 admissible under Section 13 of the Charter. This
11 was one of the documents involved in the motion last
12 Friday, and was deposited with the Registrar of the
13 Court last Friday and it is just coming into the
14 court room now.

15 (Whereupon, the document above referred
16 to was marked prosecution's exhibit No. 174 for
17 identification.)

18 MR. MCKENZIE: If the Tribunal please, I
19 desire to offer Exhibit 174, being the document
20 above referred to, and to read the excerpts from it
21 which have been processed in both English and
22 Japanese and distributed to counsel for the defense.

23 THE PRESIDENT: Admitted on the usual terms.
24 (Whereupon, prosecution's exhibit No.
25 174 was received in evidence.)

1 MR. MCKENZIE: I might say, if the Tribunal
2 please, in accordance with your ruling I also deposited
3 volumes 2009 and 2010, which contain all the re-
4 mainder of the testimony of Mr. Hull on cross-examina-
5 tion. Beginning now with the excerpt from page
6 1076: (Reading)

7 "The President and I had to bear in mind and
8 to take into account Japan's past record of aggres-
9 sion and the trend of contemporary developments in
10 the Far East.

11 "Almost from the outset of Japan's emergence
12 as a modern state she had been pursuing a policy of
13 military aggrandizement. For the most part, except
14 during certain brief periods when forces of moder-
15 ation appeared to be in the ascendancy, the intervals
16 between one aggressive step and the next were but
17 periods of consolidation.

18 "In 1895, following Japan's successful war
19 against China, Japan annexed Formosa and tried un-
20 successfully to establish a foothold in Manchuria.

21 "In 1905, after the Russo-Japanese War, Japan
22 established herself securely in Manchuria by acquir-
23 ing a lease of the Kwantung territory and ownership
24 of the South Manchuria Railway. At that time Japan
25 also acquired southern Sakhalin.

1 "In 1910 Japan annexed Korea after years
2 of encroachment by pressure and intrigue.

3 "In 1915 Japan took advantage of the pre-
4 occupation of her European allies with the war against
5 Germany to present to China the notorious Twenty-one
6 Demands.

7 "At the end of the first world war Japan
8 participated in the Washington Conference of 1921-22
9 and became a party to the treaties concluded there.
10 Among those treaties was the Nine Power Treaty
11 relating to principles and policies concerning China.
12 That treaty envisaged the creation of conditions
13 designed to provide the fullest and most unembarrassed
14 opportunity to China to develop and maintain for her-
15 self an effective and stable government. Japan
16 pledged herself to the policies of self-restraint
17 toward China which the Nine Power Treaty rested.

18 "In 1928, however, following the advent of
19 the cabinet of General Tanaka in 1927, Japan adopted
20 a so-called 'positive' policy toward China under
21 which it manifested an increasing disposition to
22 intervene in China's internal affairs.

23 "In 1931 Japan invaded Manchuria and sub-
24 sequently established there a puppet regime under the
25 name of 'Manchukuo'. By that action, which was a

1 flagrant violation of the Nine Power Treaty, Japan
2 broke completely away from the policy of cooperation
3 agreed upon in the Washington Conference Treaties.*
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1 "I recalled how early in 1934 I welcomed an
2 approach by the Japanese Government in the form of a
3 note (February 21, 1934) by Mr. Hirota, the Japanese
4 Minister for Foreign Affairs, in which he stated that
5 he firmly believed that no question existed between
6 the United States and Japan 'that is fundamentally
7 incapable of amicable solution.' In my reply (March 3,
8 1934) I concurred in that view and emphasized our
9 Government's belief in adjustments of questions by
10 pacific processes.

11 "Only a short time after that exchange of
12 notes, however, Japan again unmasked the basic pur-
13 pose of aggression consistently adhered to by power-
14 ful policy-making elements in Japan. On April 17,
15 1934 the Japanese Foreign Office spokesman gave out
16 a truculent official statement known as the 'hands
17 off China' statement. In that statement Japan made
18 clear a purpose to compel China to follow Japan's
19 dictate and to permit other countries to have rela-
20 tions with China only as Japan allowed. *****"

21 Now, from Page 1081: "B. Japan's Record of
22 Duplicity:

23 "The President and I also gave thought to the
24 fact that Japan had a long record of duplicity in
25 international dealings. This duplicity was due

1 largely to the fact that the Japanese military were
2 a law unto themselves and consistently overrode com-
3 mitments which civilian Japanese had given.
4

5 "In 1904, Japan guaranteed Korea's independ-
6 ence and territorial integrity. In 1910, Japan
7 annexed Korea.
8

9 "In 1908, Japan pledged with the United States
10 to support the independence and integrity of China
11 and the principle of equal opportunity there. In
12 1915, Japan presented to China the notorious
13 'twenty-one demands.'

14 "In 1918, Japan entered into an inter-allied
15 arrangement whereby forces, not exceeding above 7,000
16 by any one power, were to be sent to Siberia to
17 guard military stores which might be subsequently
18 needed by Russian forces, to help the Russians in
19 the organization of their own self-defense, and to
20 aid the evacuating Czechoslovakian forces in Siberia.
21 The Japanese military saw in this enterprise an oppor-
22 tunity, in which they were eventually unsuccessful,
23 to annex eastern Siberia and sent more than 70,000
24 troops.

25 "In the Nine Power Treaty of 1922, Japan
agreed to respect China's sovereignty, independence,
and territorial and administrative integrity. Japan

1 also agreed to use its influence to establish the
2 principle of equal opportunity there. Japan's whole
3 course in China since 1931 of military occupation and
4 economic domination was in violation of those pledges.

5 "On November 21, 1932, Mr. Matsuoka, then
6 Japanese delegate to the League of Nations, said:
7 'We want no more territory.' By the end of 1932 Jap-
8 anese forces had occupied the whole of Manchuria and
9 in subsequent years they moved southward and westward
10 occupying a vast area of China."

11 And from Page 1084: "C. Divergence between
12 Japanese and American Policies:

13 "The President and I had very much in mind
14 the fact that the United States and Japan had widely
15 different concepts and policies. We went over the
16 successive steps our Government had taken to influence
17 Japan to adopt peaceful policies.

18 "We recalled that Japan's action in 1931
19 in embarking on a course of aggression (and) expan-
20 sion by force and of disregard of treaties had
21 ushered in an ever widening conflict between forces
22 of aggression and those desirous of maintaining
23 peace. Our Government's opposition to Japan's
24 course in Manchuria was set forth in a communication
25 addressed by the then Secretary of State, Mr. Stimson,

1 to the Japanese Government on January 7, 1932, and
2 in a further communication of February 25, 1935, to
3 the Secretary General of the League of Nations."

4 If the Tribunal please, I shall now turn the
5 prosecution over to Mr. Darsey to present another
6 phase.

7 MR. DARSEY: We should like to call the wit-
8 ness OKADA, Keisuke.

9 MR. WARREN: If the Tribunal please, inas-
10 much as the prosecution has read excerpts from a
11 document introduced in evidence and has skipped one
12 part that we feel is of vital importance, we ask
13 that we be permitted at this time to also read ex-
14 cerpts from the same document which has heretofore
15 been introduced in evidence.

16 THE PRESIDENT: That course would be out of
17 order in an ordinary trial. I see no reason for
18 permitting it here.
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OKADA

DIRECT

1 K E I S U K E O K A D A, called as a witness
2 on behalf of the prosecution, being first
3 duly sworn, testified as follows:

4 DIRECT EXAMINATION

5 BY MR. DARSEY:

6 Q State your name, please.

7 A OKADA, Keisuke.

8 Q I show you IPS document 1749, and ask you
9 to examine the same and state what it is, if you
10 know.

11 A I do not understand English very well.

12 Q Is that a document which you have signed?

13 A There is no mistake that I signed this
14 document under oath.

15 Q Are the statements contained therein freely
16 and voluntarily made by you?

17 A Yes.

18 Q Was each statement translated into Japanese
19 for you by an interpreter which you brought with you?

20 A Yes.

21 Q Were they also translated by an interpreter
22 from the International Prosecution Section?

23 A Yes.

24 Q Are the statements contained therein true?

25 A There were three places in which corrections

OKADA

DIRECT

1 were made.

2 Q Are those the corrections you mentioned to
3 me on last Wednesday morning?

4 A Two of the points, yes.

5 Q What are they?

6 A One is in reference to General HONJO.

7 Q Does that appear in the last paragraph on
8 page 2 of the English translation?

9 A Yes.

10 Q In what respect are the references to
11 General HONJO in that paragraph incorrect?

12 A It would be correct if the correction is
13 made to read that if the dates are after summer 1931.

14 Q Do I understand that what you have to say
15 with respect to General HONJO in that paragraph is
16 true with the exception that it should appear in
17 that part of the affidavit dealing with the summer
18 of 1931?

19 A Yes.

20 Q What is the other correction?

21 A The other part is with reference to TANAKA
22 with respect to the words of the Emperor which he
23 narrated to me and to SHIRAKAWA. It is not that the
24 Emperor said "do this," but what TANAKA said that
25 he would like to do and the Emperor gave his approval.

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DIRECT

1 Q Do I understand, as you indicated to me last
2 Wednesday, that you wished the words "told him" in
3 the sixth line of the first paragraph on page 3 --
4 that you wished to substitute for the words "told him"
5 the word "agreed"?

6 A Yes.

7 Q Are there any other corrections?

8 A It does not make any difference to me whether
9 or not the other corrections need be made, inasmuch
10 as they refer to my personal records which have nothing
11 to do with this affidavit.

12 Q With those corrections are the statements
13 contained in the affidavit true?

14 A It has nothing to do with the affidavit.
15 It is not so.

16 Q With the corrections which you have suggested,
17 are the statements contained in the affidavit true?

18 A Whether they are made, the corrections are
19 made or not, the facts which I have presented are
20 true.

21 MR. DARSEY: I offer the document in evi-
22 dence.

23 CLERK OF THE COURT: It will be numbered 175.

24 (Whereupon, the document above
25 referred to was marked prosecution's exhibit

OKADA

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1 No. 175 for identification.)

2 THE PRESIDENT: Admitted on the usual terms.

3 (Whereupon, prosecution's exhibit

4 No. 175 was received in evidence.)

5 MR. DARSEY: Mr. President, in order to
6 avoid confusion in the translation, I shall read the
7 document as it appears, with the understanding that
8 the corrections as indicated in the record are to be
9 made.

10 THE PRESIDENT: We will recess now for fif-
11 teen minutes.

12 (Whereupon, at 1445, a recess was
13 taken until 1500, after which the proceedings
14 were resumed as follows:)

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OKADA

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MARSHAL OF THE COURT: The Tribunal is now resumed.

MR. DARSEY: (Reading)

"I, OKADA, Keisuke, make oath and say
as follows:

"I was born in Fukui Prefecture, Japan, in 1867. I was graduated from the Naval Academy in 1899, after which I was a career man in the Japanese Navy until 1920, having held the following positions during those years:

11 1904-05 Division Officer on Naniwa;
12 later Captain (Fleet Admiral
13 TOGO in Command)

14 | 1908 Captain

20 "From 1920 to 1936 I held the following
21 positions in the Japanese Government and Navy:

22 | 1920 Vice Minister of Navy

25 1924 Dec. Commander-in-Chief Combined

OKADA

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Fleet

1 1927 Commander-in-Chief Yokosuka
2 Naval Station
3
4 1927 Minister of Navy in TANAKA
5 Cabinet
6 1929 July Resigned with Cabinet; Member
7 Supreme Military Council
8 1932 Minister of Navy in SAITO
9 Cabinet
10 1933 Jan. Retired and placed on Navy
11 Reserve List
12 1934 March Premier
13 "In the years 1920 to 1936, during which
14 period I served in the capacities of Vice Minister
15 of the Navy, Minister of the Navy in the TANAKA
16 Cabinet, Supreme War Councillor, Minister of Navy
17 in the SAITO Cabinet and Premier of Japan, in order
18 intelligently and effectively to perform the
19 official duties and discharge the responsibilities
20 of those offices, it was my duty to, and I did
21 employ, all available official channels of infor-
22 mation to keep myself as fully informed as possible
23 concerning the contemporaneous problems, happenings,
24 issues and events. Such avenues of information
25 included, among others, reports from and confer-

OKADA

DIRECT

1 ences with executive and administrative officials
2 and personnel on my respective staffs, conferences
3 with fellow cabinet members, the respective premiers,
4 members of the Diet and other government officials,
5 all of whom likewise had access to similar sources
6 of information concerning such subject matters;
7 cabinet meetings, liaison conferences, meetings of
8 the Supreme War Council and other government agen-
9 cies; and also official government reports, releases,
10 etc. On the basis of information thus obtained, I
11 endeavored to and did take, with respect to con-
12 temporaneous issues and problems, such official action
13 in the discharge of my official duties and responsi-
14 bilities as under the circumstances appeared to be
15 meet and proper.

16 "During my tenure of office as Minister of
17 Navy in the TANAKA Cabinet, (1927-1929) Japan
18 claimed to have acquired by treaties, agreements,
19 etc. substantial rights and interests in Manchuria.
20 It was the policy of the TANAKA Cabinet, through
21 collaboration with Manchurian authorities to expand
22 and develop such rights and interests to the fullest
23 extent possible. In the administration and appli-
24 cation of this policy with respect to Manchuria, the
25 TANAKA Cabinet was considerably more energetic,

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1 affirmative and positive than its predecessor
2 cabinet had been.

3 "In connection with this program, TANAKA
4 planned to collaborate with and use Chang Tso-lin,
5 who was then Marshal and defacto ruler of Manchuria.
6 While Chang Tso-lin was opposed to many of the
7 Japanese demands, TANAKA's bargaining and trading
8 power with him lay in the support which Japan
9 might lend to the maintenance of his position of
10 leadership in Manchuria. Japan had lent him con-
11 siderable support, particularly in connection with
12 the Kuo Sung-lin Mutiny in 1925.

13 "The TANAKA Cabinet felt that it was making
14 substantial progress in expanding Japan's interests
15 in Manchuria through the support of and collabora-
16 tion with Chang Tso-lin, although TANAKA invariably
17 took the position, and so advised Chang Tso-lin,
18 that he should return to Manchuria and concern him-
19 self solely with Manchurian affairs.

20 "In 1928, when the armies of Chang Tso-lin
21 suffered defeat at the hands of the Kuomintang Army,
22 TANAKA again advised him to withdraw his armies
23 into Manchuria before it was too late. The Marshal
24 was obliged to take this advice on this occasion
25 because of his embarrassed military position.

OKADA

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1 "By this time the Japanese army in
2 Manchuria with headquarters in Mukden under General
3 HONJO had become dissatisfied with the policy of
4 the TANAKA Cabinet to collaborate and negotiate
5 with Chang Tso-lin with respect to Japan's interests
6 in Manchuria, did not want to wait on negotiations
7 and were impatient to employ force to occupy Man-
8 churia. A clique or group of officers in this army,
9 which had completely isolated General HONJO and shut
10 him off from communication with the affairs of the
11 army, planned and plotted the murder of Chang Tso-
12 lin upon his return to Manchuria. They arranged on
13 June 4, 1928, that the train on which Chang Tso-lin
14 was traveling from Peiping to Mukden should be
15 wrecked by explosives placed on the track just out-
16 side Mukden. Chang Tso-lin was killed in this wreck
17 as planned. This incident plotted and instituted
18 by the clique in the Kwantung Army represented the
19 first overt army move during the TANAKA regime to
20 project itself into the formulation of the policies
21 of the government. The occurrence greatly embarrassed
22 and prejudiced the program of the TANAKA Cabinet
23 with respect to Manchuria and created a crisis which
24 ultimately resulted in its resignation. The Cabinet
25 learned of the occurrence immediately, and was taken

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1 completely by surprise and became greatly con-
2 cerned. Premier TANAKA expressed great regret and
3 grave concern, and went to the Imperial Palace and
4 made a full report of the occurrence to the
5 Emperor. Upon his return from the palace the
6 Premier (TANAKA) summoned the Minister of War
7 (General SHIRAKAWA) and myself for a conference,
8 at which he announced that the Emperor told him
9 (TANAKA) that he (the Emperor) considered that
10 this was the time to take strong disciplinary action
11 with respect to the army, and that he expected ade-
12 quate measures to be taken. He (TANAKA) stated
13 that he was determined that appropriate steps
14 should be taken to maintain discipline in the army.
15 The Minister of War (General SHIRAKAWA) and I
16 expressed hearty support of TANAKA's determina-
17 tion. However, when the War Minister took the matter
18 up in the War Ministry, he encountered such strong
19 opposition on the part of the General Staff and
20 other army officers, that he was unable to make
21 any headway or progress whatsoever. The War
22 Minister so reported to TANAKA and myself, and
23 stated that this opposition on the part of the army
24 was based upon the view that to take steps to punish
25 those responsible for this event would be to expose

OKADA

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1 to the public something which the army wished at
2 the time to conceal.

3 "Shortly thereafter TANAKA called me alone
4 for a consultation on the subject, and advised me
5 that he planned to do something about the matter
6 himself. This I also agreed with, but the army
7 opposition to disciplinary action was so strong that
8 TANAKA was unable to accomplish anything either.
9 By this time this issue and the attitude of the
10 army had become a controversial subject in circles
11 outside of the cabinet, even in political parties,
12 and the impotency of the cabinet to control and
13 discipline the army forced its resignation on
14 July 1, 1929.

15 "After the murder of Chang Tso-lin, the
16 influence of the army insofar as participation in
17 the formulation of policy on the part of the govern-
18 ment with respect to Manchuria was concerned grew
19 progressively stronger. During the period between
20 the fall of the TANAKA Cabinet in July of 1929, and
21 the establishment of the SAITO Cabinet in 1932, I
22 served in the capacity of a member of the Supreme
23 War Council. During this period I often had occasion
24 to discuss with incumbent cabinet members and other
25 statesmen and government officials, who visited me

OKADA

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1 in my home or whom I met on public and social occa-
2 sions, the serious concern on the part of some in
3 the Japanese government with respect to the philo-
4 sophy of the army that the Manchurian problems could
5 never be solved short of the use of force to estab-
6 lish a Japanese puppet government there. This dis-
7 position on the part of the Japanese army and the
8 inability of the government to control it created
9 a great deal of anxiety on my part. During this
10 period it became apparent to all in Japan who con-
11 cerned themselves with matters of state that it was
12 only a question of time until the army should under-
13 take the occupation of Manchuria. In the early part
14 of 1931 I received many reports that the army was
15 planning an occurrence which might be made the basis
16 for the occupation of Manchuria. Simultaneously
17 OKAWA, Shumei was conducting a propaganda campaign
18 consisting of public speeches and publications to
19 the end of building up a public sentiment in support
20 of such a movement on the part of the army. I
21 recall my annoyance when it came to my attention
22 that OKAWA had made such a speech at the Naval
23 Academy; it was especially irritating to me that
24 such a man should be allowed to speak before the
25 cadets.

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1 "When I came into the SAITO Cabinet as
2 Minister of the Navy in 1932, I learned from reports
3 which I had made to me in order to make myself ac-
4 quainted with the events of recent months and from
5 conversations and conferences which I held with
6 fellow cabinet members and other government officials,
7 that the occurrence which came to pass on the night
8 of September 18, 1931, was plotted and arranged by
9 the clique in the Kwantung Army, and also that it
10 was of sufficient gravity to warrant the subsequent
11 action taken by that army in its occupation of Man-
12 churia. The army during these years was completely
13 out of control by the government and no restraint
14 could be placed upon it. This information supple-
15 mented and corroborated information which I had ob-
16 tained from contemporaneous press reports, govern-
17 ment releases, contacts with other government
18 officials during the period interim the fall of the
19 TANAKA Cabinet and the establishment of the SAITO
20 Cabinet. As previously stated, it was an assumed
21 fact in government circles in the early part of
22 1931, that it was only a question of time until
23 the army would make a move to occupy Manchuria by
24 force. I knew that OKAWA, Shumei, a political
25 leader, was definitely identified with this move-

OKADA

DIRECT

1 ment on the part of the Kwantung Army at that time.
2 There were many young officers in the Kwantung Army
3 also involved, whose names I do not recall now.
4 The occupation of Manchuria came to pass in the
5 latter part of 1931, with the so-called Mukden
6 Incident of September 18, 1931, as its beginning,
7 and did not take any enlightened public official of
8 Japan by any surprise. All of the Japanese armed
9 forces in the area were brought into operation
10 immediately, including the Korean Army, which
11 crossed the border and participated in this occu-
12 pation without any Imperial sanction. This became
13 known as the 'Crossing the Border' Incident,
14 which created quite a profound issue in government
15 circles at that time. While I did not have specific
16 first-hand information as to some of the foregoing
17 facts before or contemporaneously with their
18 occurrence, I learned about each and every one of
19 them through official channels in the immediate
20 period of their occurrence, and they became accepted
21 facts and premises in government circles at the
22 time upon the basis of which official action by
23 government officials was taken.

24 "The SAITO Cabinet which came into office
25 in May of 1932, in which, as previously stated, I

OKADA

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1 was Minister of the Navy, and my cabinet, which
2 came into office in July of 1934, were known in
3 government and army circles as 'Navy Cabinets.'
4 The army resented both of these cabinets, because
5 it recognized in them navy influence in opposi-
6 tion to the army policy of the use of force in
7 connection with the expansion of Japanese influence
8 in Asia. The army knew that the reason the navy
9 had been asked to form these cabinets was to pre-
10 vent the military from having their way with re-
11 spect to the use of force, and throughout their
12 incumbency the army continued its efforts to over-
13 throw the navy influence in the Japanese government.
14 Many occurrences came to pass during the tenures of
15 these cabinets demonstrative of this army resent-
16 ment, culminating in the attempt at my assassina-
17 tion in February of 1936, which resulted in the
18 assassination of my brother-in-law, Mr. MATSUO, who
19 was mistaken for me. This occurrence was a
20 spontaneous outbreak of resentment on the part of a
21 group of young officers in the army against the
22 incumbent government's lack of sympathy with the
23 ambitions of the military. It constituted an
24 embarrassing situation to the Emperor in that it
25 was somewhat of a public manifestation of the

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1 inability of my cabinet to control the military,
2 and ultimately brought about the resignation of
3 my cabinet in March of 1936.

4 "After the occupation of Manchuria, the
5 Kwantung Army was the real government there, al-
6 though a so-called independent government was set
7 up in Manchuria in the early part of 1932, whose
8 independence was supposedly recognized by Japan
9 in September of that year. This government was
10 completely dominated and controlled by the Kwantung
11 Army. The government of Japan had no way of
12 learning what the plans and activities of the
13 Kwantung Army were in those years. The army was
14 completely without the control of the Japanese
15 government and remained so up until the Great War
16 in 1941. This was and remains a great pity and
17 shame for the sake of Japan's leadership among
18 nations, and has always caused me untold anxiety
19 and anguish. Japan has been done a most grave
20 injustice."

21 Signed "K. OKADA"

22 MR. DARSEY: (Continuing) At this time,
23 I would like to call the Court's attention to the
24 fact that, as you know, the case and preparation
25 of papers was broken down into sections; and,

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1 as each section proceeded with its work, we all
2 were not currently posted as to how the progress
3 was being made in each section so that it developed,
4 when preparation was concluded, that two affidavits
5 were required of this witness.

6 In order to save time and to preclude the
7 witness from being placed on the stand a second
8 time, Mr. Helm, who has an affidavit, agreed that it
9 should be read -- introduced at this time.

10 With the Court's permission I should like
11 to have Mr. Helm introduce his affidavit before
12 the witness is turned over for cross-examination.

13 THE PRESIDENT: This second affidavit
14 refers to another phase of the case, does it not?

15 MR. DARSEY: Yes. And it is a different
16 subject matter. It is a phase which has been com-
17 pleted with the exception of this affidavit and
18 another document.

19 THE PRESIDENT: Do you simply want it read
20 now and then have cross-examination postponed on
21 that affidavit?

22 MR. DARSEY: They can cross-examine on both
23 of them when we have completed the introduction.

24 THE PRESIDENT: Well, we will permit
25 that.

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1 MR. HELM: Mr. President.

2 DIRECT EXAMINATION (Continued)

3 BY MR. HELM:

4 Q Admiral, I hand you a document, prosecution's
5 11525, and ask you to examine it (handing document
6 to witness). Is that your affidavit?7 A This is an affidavit which I signed under
8 oath.

9 Q Are the facts contained therein true?

10 A Yes, they are true.

11 MR. HELM: I offer this document in
12 evidence and ask that it be appropriately marked
13 as prosecution's next in order.14 THE PRESIDENT: Admitted on the usual
15 terms.

16 CLERK OF THE COURT: Exhibit 176.

17 (Whereupon, prosecution's exhibit
18 No. 176 was received in evidence.)

19 MR. HELM: (Reading)

20 "I, OKADA, Keisuke, do swear on my con-
21 science:that the following is true.22 "I was Minister of the Navy in the TANAKA
23 Cabinet from April 20, 1927 until July 1, 1929. I
24 was Minister of the Navy in the SAITO Cabinet from
25 May 26, 1932 to January 1, 1933. I was Prime

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1 Minister of Japan from July 9, 1934 to March 8,
2 1936.

3 "Beginning around 1928, there was a gen-
4 eral tendency in the army to expand on the conti-
5 nent of Asia. General TANAKA, Prime Minister
6 at this time had completed plan regarding the
7 continent and sent a representative to Manchuria
8 to obtain from CHANG TSO LIN important railroad
9 concessions for opening up new lines which could
10 be laid according to the original program only
11 if a condition of peace prevailed in Manchuria.
12 In order to maintain peace, the aforesaid Premier
13 TANAKA felt that it was important that CHANG TSO
14 LIN should be kept in Manchuria and not in Peking.
15 Therefore, in order to prevent civil war in
16 southern Manchuria, the aforesaid CHANG TSO LIN
17 started for Mukden and on the way, was killed by
18 the blowing up of a railway bridge. When this
19 reached the Cabinet, the aforesaid Premier TANAKA
20 was very angry and said that 'if the Army takes
21 such measures as that, we will never be able to
22 develop our plan.' The aforesaid Premier
23 TANAKA said further that the responsible people
24 must be severely punished to prevent such inci-
25 dents again on the continent. Thereafter, in

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1 a conference with myself and the War Minister,
2 General SHIRAKAWA, the aforesaid Premier TANAKA
3 reached an agreement to proceed immediately to
4 the Imperial Palace and make a report to the
5 Emperor on this matter. Following this con-
6 ference with the Emperor, the aforesaid Premier
7 TANAKA returned from the Palace to the Cabinet
8 and instructed the War Minister to go ahead and
9 proceed with the punishment of the persons re-
10 sponsible for the killing of CHANG TSO LIN. The
11 aforesaid General SHIRAKAWA returned to the of-
12 fice of the War Ministry and was unable to obtain
13 the desired action in connection with the punish-
14 ment of the persons responsible for the afore-
15 mentioned murder because General SUGIYAMA, Hajime,
16 Chief of the Military Affairs Bureau and the Chief
17 of the General Staff, General KANAYA, Hanzo felt
18 that the Army should take care of its own problems
19 and discipline. As the Prime Minister General
20 TANAKA could not report to the Emperor that the
21 culprits had been punished as the Throne desired,
22 he resigned with his Cabinet. The Kwantung Army
23 proved by this event that it was more powerful
24 than the Japanese Government in Tokyo and that
25 its influence extended even into the General

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1 Staff itself.

2 "While I was Navy Minister during the
3 first seven months of the SAITO Cabinet, the
4 Cabinet experienced great difficulties with the
5 Army for the reason that Admiral SAITO, the
6 Prime Minister, was pursuing a policy of re-
7 ducing the Army budget and refusing the Army
8 additional funds.

9 "When I became Premier of Japan in
10 1934, the power of the Army was increasing.
11 In 1935 General MASAKI, Jinzaburo was forced
12 to resign as Inspector General of Military
13 Education. Lieutenant Colonel AIZAWA in
14 protest over this, forced his way into the
15 Bureau of Military Affairs and killed Lieu-
16 tenant General NAGATA, the Chief of the Mili-
17 tary Affairs Bureau. Although I, as Prime
18 Minister, felt very strongly about the AIZAWA
19 affair and pressed for this officers prosecu-
20 tion, the Army carried out its own investiga-
21 tion and did not permit interference by the
22 Prime Minister or the Cabinet. Even though
23 I was Prime Minister, I was powerless to inves-
24 tigate this crime committed by an Army officer.

25 "At this time General HAYASHI, Senjuro

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1 was the Minister of War. After the assassination
2 of the aforesaid General NAGATA, who was the Chief
3 of the Military Affairs Bureau, the aforesaid Gen-
4 eral HAYASHI refused to continue in the Cabinet
5 although I tried to persuade him to do so saying,
6 'Let's stick together until we are both killed.'
7 The aforesaid General HAYASHI said for him to con-
8 tinue in the Cabinet would be the cause of dis-
9 turbance and trouble from the militarists and he
10 recommended General KAWASHIMA whom all the Generals
11 agreed to try to protect. It was very clear to
12 all of us in the Cabinet that whoever might suc-
13 ceed the aforementioned General HAYASHI would be
14 running considerable risk.

15 "On February 26, 1936, 22 officers and
16 some 1400 men revolted against the Government and
17 terrorized Tokyo for three and a half days. The
18 rebels seized the Premier's official residence,
19 the Diet Building, the Home and War Offices, the
20 Metropolitan Police Building and the General
21 Staff Building. My Finance Minister, TAKAHASHI,
22 Admiral Count SAITO, Lord Keeper of the Privy
23 Seal, and General WATANABE were killed by this
24 group of army radicals using machine guns. Count
25 MAKINO, former Lord Keeper of the Privy Seal,

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the Grand Chamberlain SUZUKI and myself barely escaped death. As a result of this army insurrection I and my Cabinet resigned."

Signed "K. Okada".

MR. HELM: The defense may ask.

CROSS EXAMINATION.

BY DR. KIYOSÉ:

Q I shall put my questions simply, and therefore I would like to have simple replies. I should like to form my questions on the basis of the first affidavit. The first question I should like to ask is, the Manchurian policy of the TANAKA Cabinet of which you were Navy Minister for the first time -- first of all, I should like to ask whether the fixed plan with respect to Manchuria, of the TANAKA Cabinet of which you speak, means armed advance or merely an economic policy.

CLERK OF THE COURT: All the power is off.

A General TANAKA's positive policy in Manchuria was not to be by force but was to be made peacefully.

The TANAKA Cabinet was in office from 1927 to 1929. It was not only the policy of the TANAKA Cabinet but of our country in general that the advance into Manchuria was to be made peacefully as an alternative to expanding into other

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1 sections of the world, for instance, to the United
2 States, which was forced upon Japan as a result
3 of a gentleman's agreement.

4 THE MONITOR: Slight correction there:
5 advance to America which was prevented by a
6 gentleman's agreement.

7 THE INTERPRETER: Mr. Witness, speak loud.

8 THE PRESIDENT: Are you sure that you
9 correctly interpreted him? He is supposed to have
10 made a reference to the United States which I think
11 would shock most of us.

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Q I will request that statement -- that ques-

tion. The TANAKA Cabinet was in office between 1927 and 1929. It is more or less an old story. But was it not the policy not only of the TANAKA Cabinet, but of our country, to advance peacefully into the Chinese continent; that this fact was a part of Japanese policy forced upon Japan as a result of the fact that peaceful advance was stopped by the gentleman's agreement to America and other countries?

A At that time Japan was greatly over-populated, and if it did not expand somewhere the situation would have been terrible. The United States tried to avoid Japanese immigration by restricting them; and I have heard that there was a tacit understanding that instead of expanding in other directions Japan could expand in Manchuria peacefully.

Q Was it the policy of the TANAKA Cabinet -- was not it the TANAKA policy with reference only to Manchuria and not to China proper, where Japanese policy was that of non-interference in Chinese domestic affairs and in recognizing Chinese actions as the Chinese saw fit?

A I can -- I do not understand -- I do not quite understand your question.

Q Mr. Witness, you spoke about the TANAKA

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1 policy of peaceful advance into Manchuria. Now,
2 that does not apply, does it,-- that is, the TANAKA
3 policy does not apply to China proper, does it?

4 A I think I can answer that.

5 Q Will you repeat that in Japanese; I couldn't
6 get you. Is my statement true or false?

7 A I think that the TANAKA plan was first
8 to advance peacefully into Manchuria, and then by
9 degrees into China.

10 Q Now, we will touch upon your second affi-
11 davit about the final plan of TANAKA to which you
12 refer. Is this just a final plan or does it mean
13 or indicate something in the nature of the TANAKA
14 memorandum itself?

15 A I have never seen what is called the
16 TANAKA memorandum. I am sincerely convinced that
17 such memorandum does not exist.

18 Q In other words, it means that this final
19 plan you have mentioned here is not that?

20 A I do not believe that TANAKA had such a
21 policy in mind.

22 Q You also refer to the fact that a repre-
23 sentative of TANAKA's was to be sent to Chang Tso-
24 Lin. What kind of a person was he? Will you give
25 the gentleman's name?

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1 A Are you referring to the second affidavit
2 where I speak of commerce exchange -- negotiations?

3 MR. WARREN: If the Tribunal please, we
4 cannot hear anything they are saying.

5 THE PRESIDENT: No. I think we should
6 suspend operations until the power is restored, in
7 order to comply with the terms of the Charter.

8 THE INTERPRETER: The witness has just
9 stated: Will the interrogator speak louder?

10 THE PRESIDENT: We will recess until
11 thirty minutes past nine tomorrow morning.

12 (Whereupon, at 1541, an adjourn-
13 ment was taken until Wednesday, 3 July 1946,
14 at 0930.)

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